

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ANNE CAMERON CAIN, individually and as
representative on behalf of the Estate of ALEXANDER
PINCZOWSKI;

Docket No:
1:17-cv-00122 [PAC]

BEATRIZ GONZALEZ, individually and as
representative on behalf of the Estate of NOHEMI
GONZALEZ; JOSE HERNANDEZ; REY GONZALEZ;
PAUL GONZALEZ; and REYNALDO GONZALEZ.

FIRST AMENDED
COMPLAINT

Plaintiffs,

Jury trial demanded

-against-

TWITTER, INC.,

Defendant.

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Plaintiffs, by and through their attorneys, allege the following against Defendant Twitter,
Inc. (“Twitter” or “Defendant”):

NATURE OF THE ACTION

1. This is an action for damages against Twitter pursuant to the Antiterrorism Act, 18 U.S.C. § 2333 (“ATA”), as amended by the Justice Against Sponsors of Terrorism Act (“JASTA”), Pub. L. No. 114-222 (2016), and related claims, for having knowingly provided material support and resources to ISIS, a notorious terrorist organization that has engaged in and continues to commit terror attacks, including the March 22, 2016 terrorist attacks in Brussels, Belgium that murdered 32 people, including Mr. Alexander Pinczowski and his sister Ms. Sascha

Pinczowski, and the November 13, 2015 terrorist attacks in Paris, France that murdered 130 people, including Ms. Nohemi Gonzalez.

2. The ATA's civil remedies have served as an important means for enforcing the federal criminal antiterrorism provisions since the early 1990s.

3. Congress enacted the ATA in October 1992 as a legal complement to criminal penalties against terrorists that kill or injure Americans abroad, specifically intending that the civil provisions would not only provide a mechanism for compensating victims of terror, but also serve as an important means of depriving terrorists of financial resources to carry out attacks.

4. Following the bombing of the World Trade Center in New York by *al-Qaeda* in 1993, Congress again targeted terrorist resources by enacting 18 U.S.C. § 2339A in September 1994, making it a crime to provide material support or resources knowing or intending that they will be used in preparing or carrying out terrorist acts.

5. In April 1996, Congress further expanded the effort to cut off resources to terrorists by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide material support or resources to a designated foreign terrorist organization.

6. In the wake of the September 11, 2001 terror attacks carried out by *al-Qaeda* in the United States that killed nearly 3,000 Americans, Congress amended the "material support" statutes, 18 U.S.C. §§ 2339A-B, via the PATRIOT Act in October 2001 and the Intelligence Reform and Terrorism Prevention Act of 2004, to impose greater criminal penalties for violating these statutes and to expand the definition of "material support or resources" prohibited thereby.

7. In September 2016, Congress amended the ATA's civil provisions to recognize causes of action for aiding and abetting and conspiring with foreign terrorist organizations who plan, prepare, or carry out acts of international terrorism.

8. The terror attacks in this case were carried out by ISIS, a terrorist organization that for years was part of *al-Qaeda*, but from which *al-Qaeda* separated as being too brutal and extreme.

9. Known at various times as “The al-Zarqawi Network,” “*al-Qaida* in Iraq,” “The Islamic State in Iraq,” “ISIL,” and other official and unofficial names, ISIS has been a designated Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189 (“INA”), since October 2004.

10. By the time of the terror attacks in this case, ISIS had become one of the largest and most widely-recognized and feared terrorist organizations in the world.

11. The expansion and success of ISIS is in large part due to its use of the internet and social media platforms to promote and carry out its terrorist activities.

12. ISIS embraced Twitter in particular as a powerful weapon for terrorism, causing Twitter to become known as one of the most important tools for *jihadi* groups to spread their terrorist ideologies.

13. Twitter’s social media platform and services have provided tremendous utility and value to ISIS as a tool to connect its members and to facilitate the terrorist group’s ability to communicate, recruit members, plan and carry out attacks, and strike fear in its enemies.

14. Twitter’s services have played a uniquely essential role in the development of ISIS’s image, its success in recruiting members from around the world, and its ability to carry out attacks and intimidate its enemies.

15. For example, ISIS has used Twitter to massively inflate its image and the impact of its terrorist attacks and atrocities by using “bots,” specialized Twitter “apps,” and “hashtag

hijacking” to rapidly send tens of thousands of “tweets” to make it look like it has more numbers and support than it really does.

16. ISIS has also used Twitter to distribute high-production-quality videos, images, and online magazines that make it appear more sophisticated, established, and invincible.

17. By using Twitter “storms” as a distribution system for these materials, ISIS ensures that the materials are then transferred to a large number of access points on the internet, so that the materials remain widely available online even if deleted by other social media platforms.

18. ISIS has used Twitter to cultivate and maintain an image of brutality, to instill greater fear and intimidation, and to appear unstoppable, by disseminating videos and images of numerous beheadings and other brutal killings, including setting captives on fire, blowing them up with explosives, slowly lowering them in a cage underwater to drown, and more.

19. In this case, several of the ISIS terrorists who carried out the Paris and Brussels attacks were recruited by ISIS recruiting groups who used Twitter, Facebook, and YouTube to attract and indoctrinate new recruits.

20. Moreover, a number of the planners and attackers of the Paris and Brussels attacks themselves used Twitter to communicate and follow other ISIS Twitter accounts.

21. For example, Abdelhamid Abaaoud, the operational leader of the Paris attacks, and Najim Laachraoui, the bomb-maker for both the Paris and Brussels attacks and one of the suicide bombers in the Brussels attacks, both operated Twitter accounts.

22. Both of these ISIS terrorists used Twitter to follow other ISIS Twitter accounts, including accounts designed to indoctrinate ISIS followers in the radical terrorist Islamist ideology of ISIS.

23. In addition, ISIS used Twitter in this case: to specifically threaten United States' allies, including France and Belgium, that they would be attacked for participating in a coalition of nations against ISIS; to celebrate smaller attacks leading up to these two major attacks; and to transform the operational leader of the Paris attack into a "celebrity" among jihadi terrorists in the year leading up to the Paris attack via Twitter-distributed magazine articles and videos featuring his ISIS exploits in Syria, France and Belgium.

24. ISIS also used Twitter to announce the Paris and Brussels attacks, to intensify the intimidation of the attacks through Twitter "storms" during and in the immediate aftermath of the attacks, and to claim credit for the attacks.

25. In addition, after the Paris attacks, ISIS used Twitter to distribute a video made in anticipation of the attacks showing each of the ISIS terrorists who carried out the attacks telling of their intentions and then executing a captive for the camera either by shooting or beheading.

26. ISIS also used Twitter after both the Paris and Brussels attacks to distribute online magazines and videos showing carnage from the attacks, and featuring profiles and statements of the attackers glorifying their roles in the attacks and threatening more attacks.

27. For years, ISIS, its leaders, spokesmen, and members openly maintained and used official Twitter accounts with little or no interference.

28. Despite extensive media coverage, complaints, legal warnings, petitions, congressional hearings, and other attention for providing its online social media platform and communications services to ISIS, Twitter continued to provide these resources and services to ISIS and its affiliates, refusing to actively identify ISIS Twitter accounts, and only reviewing accounts reported by other Twitter users or third parties.

29. Twitter's primary metric that it touts to advertisers, investors, and the public by which to measure its success is the number of active user accounts, so that in the absence of proper enforcement of the federal ban on providing "material support" to ISIS, Twitter has an incentive to continue providing its services to ISIS.

30. ISIS Twitter accounts are generally significantly more active than the average Twitter account, the controversial and shocking nature of ISIS's use of Twitter has drawn attention and users to Twitter, and Twitter profits from advertisements that appear on ISIS Twitter postings and accounts.

31. Twitter has even taken a number of actions that actually serve to "protect" ISIS's use of Twitter.

32. For example: Twitter has had a policy of notifying Twitter users if it suspects government surveillance of their Twitter accounts or if the government subpoenas information about Twitter accounts; Twitter is suing the Department of Justice, seeking to defy orders to keep details of investigative subpoenas secret despite government warnings that disclosure may harm national security; Twitter has banned U.S. intelligence agencies from buying Twitter analytical services from Twitter-controlled "Dataminr" that would assist in identifying terrorist threats and activities; and Twitter used its "anti-harassment" policy to shut down the Twitter accounts of users who were identifying and reporting ISIS Twitter accounts to Twitter.

33. Twitter has knowingly provided material support and resources to ISIS in the form of Twitter's online social network platform and communication services.

34. ISIS has used and relied on Twitter's online social network platform and communications services as among its most important tools to facilitate and carry out its terrorist

activity, including the terrorist attacks in which ISIS murdered Nohemi Gonzalez and the siblings Alexander and Sascha Pinczowski.

35. Plaintiffs' claims are not premised upon attributing the content of ISIS's social media postings to Twitter, or treating Twitter as the publisher or speaker of such content; rather, Twitter has violated the federal ban on providing "material support" to ISIS by providing its platform and services to ISIS.

36. Twitter has also violated the federal ban on providing "material support" to ISIS by making personnel available to ISIS, including ISIS leaders and recruits.

37. Alternatively, Twitter is responsible for creating new and unique content by combining ISIS's postings with advertisements selected by Twitter based upon viewer data and posting content.

38. By providing its online social network platform, communications services, and personnel to ISIS, Twitter: violated the federal prohibitions on providing material support or resources for acts of international terrorism (18 U.S.C. § 2339A) and providing material support or resources to designated foreign terrorist organizations (18 U.S.C. § 2339B); aided and abetted and conspired with a designated FTO in the commission of acts of international terrorism as defined by 18 U.S.C. § 2331; and committed acts of international terrorism as defined by 18 U.S.C. § 2331. Accordingly, Twitter is liable pursuant to 18 U.S.C. § 2333 and other claims to the plaintiffs, who were injured by reason of acts of international terrorism.

THE PARTIES

A. The Plaintiffs

39. Plaintiff Anne Cameron Cain is a citizen of the United States and is domiciled in the United States. She brings claims individually and as the representative of the estate of her husband, Alexander Pinczowski, who was a resident of the United States at the time of his death.

40. Plaintiff Beatriz Gonzalez is a citizen of the United States and is domiciled in the United States. She brings claims individually and as the representative of the estate of her daughter, Nohemi Gonzalez, who was also a citizen of the United States at the time of her death.

41. Plaintiff José Hernandez is the step-father of Nohemi Gonzalez, and is a citizen of the United States who is domiciled in the United States.

42. Plaintiffs Rey Gonzalez and Paul Gonzalez are the brothers of Nohemi Gonzalez. Plaintiff Ray Gonzalez is a United States legal resident, and Plaintiff Paul Gonzalez is a United States citizen.

43. Plaintiff Reynaldo Gonzalez is the father of Nohemi Gonzalez and is domiciled in the State of California.

B. The Defendant

44. Twitter, Inc. (“Twitter” or “Defendant”) is a corporation organized under the laws of Delaware, with its principal place of business in San Francisco, California.

JURISDICTION AND VENUE

45. Twitter is subject to the jurisdiction of this Court. Twitter is at home in the United States because it is a Delaware corporation with its principal place of business in California. Twitter may be found in this District and has an agent in this District. It maintains a systematic

presence in this District, including more than 140,000 square feet of office space and approximately 100 employees and is registered to do business in the State of New York.

46. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 18 U.S.C. §§ 2333 and 2334, as this is a civil action brought by nationals of the United States who have been killed or injured by reason of acts of international terrorism, and/or their estates, survivors, and heirs.

47. Venue is proper in this district pursuant to 18 U.S.C. § 2334(a).

FACTUAL ALLEGATIONS

I. LEGAL BACKGROUND: U.S. ANTITERRORISM LEGISLATION

A. The Antiterrorism Act (“ATA”)

48. In the 1980’s, foreign terrorist groups carried out a number of major terror attacks around the world, killing and injuring many Americans abroad.

49. Among these terror attacks were:

- a. The April 1983 suicide bombing of the U.S. Embassy in Beirut, Lebanon, killing 63 people, including 17 Americans;
- b. The October 1983 suicide bombing of U.S. Marine barracks in Beirut, Lebanon, killing 241 U.S. Marines and injuring more than 100;
- c. The December 1983 terrorist bombings of the U.S. Embassy and the residential quarters of American company Raytheon in Kuwait;
- d. The September 1984 terrorist bombing of a U.S. Embassy annex northeast of Beirut, Lebanon;
- e. The June 1985 hijacking of TWA flight 847;

f. The October 1985 hijacking of the Achille Lauro cruise ship and murder of wheelchair-bound American Leon Klinghoffer; and

g. The December 1985 terrorist bombings of the Rome and Vienna airports.

50. In response to these attacks, Congress in 1986 amended the U.S. Criminal Code, Title 18, Part I, to add a new chapter titled, “Extraterritorial Jurisdiction Over Terrorist Acts Abroad Against United States Nationals.”¹

51. This new chapter contained a new section titled, “Terrorist acts abroad against United States nationals,” providing criminal penalties for killing, conspiring, or attempting to kill a national of the United States, or engaging in physical violence with the intent to cause serious bodily injury to a national of the United States or that results in serious bodily injury to a national of the United States.²

52. In October 1992, Congress enacted the ATA’s civil provisions, including 18 U.S.C. § 2333, which established a private cause of action for U.S. nationals injured by acts of international terrorism, as a legal complement to the criminal penalties against terrorists that kill or injure Americans abroad.³

53. In enacting the ATA, Congress specifically intended that the civil cause of action would not only provide a mechanism for compensating victims of terror, but also serve as an important means of depriving terrorists of financial resources to carry out attacks.

54. As the ATA was being considered in Congress, the U.S. State Department’s Deputy Legal Advisor, Alan J. Kreczko, testified before the Senate Judiciary Committee’s Subcommittee on Courts and Administrative Practice that this proposed bill “will add to the

¹ See Pub. L. 99-399, title XII, § 1202(a) (Aug. 27, 1986); 100 Stat. 896.

² *Id.* This section, originally enacted as 18 U.S.C. § 2331, is now found (as amended) at 18 U.S.C. § 2332 (titled “Criminal penalties”).

³ See Pub. L. 102-572, title X, § 1003 (October 29, 1992); 106 Stat. 4521.

arsenal of legal tools that can be used against those who commit acts of terrorism against United States citizens abroad.”⁴

55. The Deputy Legal Advisor also testified:

“[T]his bill will provide general jurisdiction to our federal courts and a cause of action for cases in which an American has been injured by an act of terrorism overseas.

We view this bill as a welcome addition to the growing web of law we are weaving against terrorists. . . . The existence of such a cause of action . . . may deter terrorist groups from maintaining assets in the United States, from benefiting from investments in the U.S. and from soliciting funds within the U.S. In addition, other countries may follow our lead and implement complimentary national measures, thereby increasing obstacles to terrorist operations.

Moreover, the bill may be useful in situations in which the rules of evidence or standards of proof preclude the U.S. government from effectively prosecuting a criminal case in U.S. Courts. Because a different evidentiary standard is involved in a civil suit, the bill may provide another vehicle for ensuring that terrorists do not escape justice.”⁵

56. Likewise, Senator Grassley, one of the sponsors of the bill, explained a purpose of ATA’s civil cause of action as follows:

“The United States must take a strong stand against terrorism. The Department of State testified that this bill would add to the arsenal of legal tools that can be used against those who commit acts of terrorism against U.S. citizens abroad.

. . .

Now is the time for action. Now is the time to strengthen our ability to both deter and punish acts of terrorism.

We must make it clear that terrorists’ assets are not welcome in our country. And if they are found, terrorists will be held accountable where it hurts them most: at their lifeline, their funds.”⁶

⁴ “Statement of Alan J. Kreczko, Deputy Legal Adviser, On S. 2465: A bill to provide a new civil cause of action in federal court for terrorist acts abroad against United States nationals,” *Before the Subcommittee on Courts and Administrative Practice of the Senate Judiciary Committee* (July 25, 1990), <https://www.state.gov/documents/organization/28458.pdf>.

⁵ *Id.*

⁶ 136 Cong. Rec. 26716-26717 (Oct. 1, 1990), <https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1990-pt19/pdf/GPO-CRECB-1990-pt19-1.pdf>.

57. In July 1992, a Senate Committee Report explained that the ATA's treble damages provision "would interrupt, or at least imperil, the flow of money" to terrorist organizations.⁷

B. The "Material Support" Statutes and Regulations

58. On February 26, 1993, a group of *al-Qaeda* terrorists detonated a truck bomb under the North Tower of the World Trade Center in New York City, attempting to cause the collapse of both towers and the death of thousands of Americans.

59. Although the damage from the World Trade Center bombing was limited, it nevertheless killed six people and injured more than one thousand.

60. In response, Congress again took aim at the resources available to terrorists in September 1994, and enacted 18 U.S.C. § 2339A, making it a crime to provide material support or resources to terrorists, knowing or intending that they would be used for terrorist acts.

61. In April 1996, Congress expanded the prohibition of providing material support or resources to terrorists by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide material support or resources to a designated foreign terrorist organization, without regard to how such support or resources will be used.

62. On the morning of September 11, 2001, several teams of *al-Qaeda* operatives carried out terrorist hijackings of civilian aircraft in the United States with the purpose of crashing them into various targets, causing enormous damage and mass murder (the "9/11 Attacks").

63. In the course of the 9/11 Attacks, *al-Qaeda* terrorists crashed two aircraft into the World Trade Center towers in New York City, causing the fiery collapse of both towers, a third

⁷ S. Rep. No. 102-342 at 22 (1992).

aircraft was crashed into the U.S. military headquarters known as the Pentagon in Washington, D.C., and a fourth aircraft was crashed into a field in Pennsylvania.

64. The 9/11 Attacks killed nearly 3,000 people and injured more than 6,000 others, and caused more than \$10 billion in damage to property.

65. On September 23, 2001, in response to the 9/11 Attacks, President George W. Bush issued Executive Order No. 13224 pursuant to the International Emergency Economic Powers Act, 50 U.S.C. §§ 1701 et seq. (“IEEPA”).

66. In Executive Order No. 13224, President Bush stated his finding that “grave acts of terrorism and threats of terrorism committed by foreign terrorists . . . and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States,” and he declared a national emergency to deal with such threats.

67. Executive Order No. 13224 legally blocked all property and interests in property of “Specially Designated Global Terrorists” (“SDGTs”), prohibited the provision of funds, goods, or services for the benefit of SDGTs, and authorized the U.S. Treasury to block the assets of individuals and entities that provide support, services, or assistance to, or otherwise associate with, SDGTs, as well as their subsidiaries, front organizations, agents, and associates.

68. Executive Order No. 13224’s prohibitions remain in effect today.

69. Under the IEEPA, violation of Executive Order No. 13224 is a federal criminal offense. *See* 50 U.S.C. § 1705.

70. In the wake of the 9/11 Attacks, Congress passed the “PATRIOT Act” in October 2001 and the “Intelligence Reform and Terrorism Prevention Act of 2004,” which amended the “material support” statutes, 18 U.S.C. §§ 2339A and 2339B, to increase the criminal penalties

for violating these statutes and to expand the definition of “material support or resources” prohibited thereby.

C. The Justice Against Sponsors of Terrorism Act (“JASTA”)

71. In September 2016, Congress enacted JASTA,⁸ which amended the ATA’s civil provisions to recognize causes of action for aiding and abetting and conspiring with foreign terrorist organizations who plan, prepare, or carry out acts of international terrorism.

72. In enacting JASTA, Congress made a number of specific findings, including the following:

“Persons, entities, or countries that knowingly or recklessly contribute material support or resources, directly or indirectly, to persons or organizations that pose a significant risk of committing acts of terrorism that threaten the security of nationals of the United States or the national security, foreign policy, or economy of the United States, necessarily direct their conduct at the United States, and should reasonably anticipate being brought to court in the United States to answer for such activities.”⁹

73. Congress also specifically included the following statement of purpose of JASTA in the legislation:

“Purpose.--The purpose of this Act is to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.”¹⁰

⁸ Pub. L. 114-222 (Sept. 28, 2016); 130 Stat. 852, <http://uscode.house.gov/statviewer.htm?volume=130&page=852#>.

⁹ JASTA § 2(a)(6) (emphasis added).

¹⁰ JASTA § 2(b) (emphasis added).

II. ISIS: A DESIGNATED FOREIGN TERRORIST ORGANIZATION

A. Al-Zarqawi and the Internet as a new weapon in the global terrorist's arsenal

74. In the late 1980's, Abu Musab al-Zarqawi ("al-Zarqawi") left his native Jordan and traveled briefly to Afghanistan to join radical Islamists then fighting Soviet forces.

75. When he returned to Jordan, al-Zarqawi adopted a goal of overthrowing the Jordanian monarchy to establish an Islamic state in Jordan, and he formed a local radical Islamist group called *Jund al-Sham*.

76. In 1992, when a cache of guns and explosives was discovered in his home, al-Zarqawi was arrested and imprisoned in Jordan.

77. After his release from prison in 1999, al-Zarqawi returned to Afghanistan, where he met with *al-Qaeda* leader Osama Bin-Laden ("Bin-Laden") and reportedly received \$200,000 in "seed money" from Bin-Laden to establish a *jihadi* training camp near the border of Iran.¹¹

78. Al-Zarqawi was soon identified as having been involved in planning and providing support for a number of major terrorist attacks, and on September 23, 2003, the U.S. Treasury designated al-Zarqawi as a Specially Designated Global Terrorist ("SDGT") pursuant to Executive Order No. 13224.¹²

79. Al-Zarqawi attracted his own followers and formed a new radical Islamist terrorist group called "*Jam'at al Tawhid wa'al-Jihad*" ("The Monotheism and *Jihad* Group"), popularly known as "*al-Tawhid*" or "The Zarqawi Network."

80. The following is a picture of al-Zarqawi and the *al-Tawhid* flag:

¹¹ Bill Roggio, "Exodus and Ascent," *The Long War Journal* (Foundation for Defense of Democracies, Mar. 30, 2005), http://www.longwarjournal.org/archives/2005/03/exodus_and_asce.php.

¹² "Treasury Designates Six Al-Qaida Terrorists," *U.S. Department of the Treasury, Office of Public Affairs* (Sept. 24, 2003), <https://www.treasury.gov/press-center/press-releases/Pages/js757.aspx>.



81. Al-Zarqawi's *al-Tawhid* was based upon a radical Sunni Islamist belief that violent attacks on non-believers, heretics, and apostates are not only justified, but religiously mandated.

82. Al-Zarqawi taught that these attacks would lead to the establishment of an Islamic state and accelerate a global apocalyptic battle in which Islam would ultimately triumph and govern the world.

83. Al-Zarqawi's successors, including ISIS today, maintain al-Zarqawi's vision of Islam, teaching that "true" Muslims have an obligation to engage in *jihad* ("holy war"), using intimidation, violence, and killing to establish Sunni Islamic dominance.

84. At the beginning of 2004, Osama bin-Laden's terrorist organization *al-Qaeda* (having carried out the 9/11 Attacks on the United States) was still the dominant symbol of global terrorism.

85. In January 2004, al-Zarqawi reportedly sought to be recognized by bin-Laden as an official part of *al-Qaeda's* global *jihadi* movement, but without success.

86. Among the purported reasons for bin-Laden's reticence about al-Zarqawi was the latter's open brutality, as well as al-Zarqawi's uncompromising hostility toward Shi'a Muslims.

87. Over the course of 2004, al-Zarqawi began to use the internet to promote his particularly savage form of *jihad* and gain widespread notoriety.

88. While al-Zarqawi was not the first to use the internet to promote and engage in *jihadi*, he is known as a figure who embraced internet technology and communication to promote terrorism, taking terror on the internet to a new level.

89. Al-Zarqawi combined shocking images of graphic violence and cruelty with the internet to fashion a new psychological weapon in the service of terrorism.

90. Terrorism analyst Rita Katz, director of the SITE Intelligence Group, explained: “While Osama bin Laden traditionally relied on *Al Jazeera* [satellite television] and the media to disseminate his propaganda, Zarqawi went straight to the internet, which enabled him to produce graphic videos that would never have been shown on the mainstream media.”¹³

91. For example, on May 11, 2004, al-Zarqawi’s group posted a link on the *jihadi* internet website forum “*Muntada al-Ansar al-Islami*” (“Forum of the Islamic Supporters”) (“*al-Ansar*”) to a grainy five-and-a-half-minute video titled, “Sheikh Abu Musab al-Zarqawi slaughters an American infidel with his own hands” (the “Berg Video”).

92. The Berg Video showed five hooded terrorists dressed in black standing behind abducted Jewish-American businessman Nicholas Berg, who was sitting, bound and dressed in an orange jumpsuit (reminiscent of the orange prison uniforms worn by captured terrorists held by the U.S. at Guantanamo Bay).

93. The following is a screen-clip from the Berg Video:

¹³ Scott Shane, “Web Used As Tool of Terror,” *Sun Sentinel* (June 9, 2006), http://articles.sun-sentinel.com/2006-06-09/news/0606081728_1_al-zarqawi-al-jazeera-rita-katz.



94. The Berg Video next showed one of the hooded men (presumed to be al-Zarqawi) read a statement condemning reported abuse of security prisoners at the Iraqi Abu Ghraib prison, after which he pulled a knife from his shirt, stepped forward, and sawed off Berg's head.

95. The volume of internet traffic generated by the Berg Video caused the *al-Ansar* forum website to crash, but not before the video was downloaded many times and copied to other sites so that it ultimately became widely disseminated, and it still circulates on the internet today.

96. In 2006, *The Atlantic* magazine described the effect of the Berg Video as follows: "With the slash of a knife, al-Zarqawi had pulled off the most successful online terrorist PR campaign ever . . . Al-Zarqawi's success was possible because he had anticipated the importance of the Internet—an increasingly important weapon in the global terrorist arsenal."¹⁴

97. But for al-Zarqawi, the beheading of Nicholas Berg was just the beginning of his use of the internet to gain notoriety.

98. After the Berg Video, al-Zarqawi's terrorist group continued to publicize its brutality on the internet by posting even more videos showing al-Zarqawi and his followers murdering foreign captives, including the following:

¹⁴ Nadya Labi, "Jihad 2.0," *The Atlantic* (July/August 2006), <http://www.theatlantic.com/magazine/archive/2006/07/jihad-20/304980/>.

- a. Kim Sun-il, a South Korean interpreter and Christian missionary, beheaded in June 2004;
- b. Georgi Lazov, a Bulgarian truck driver, beheaded in July 2004;
- c. Mohammed Mutawalli, an Egyptian citizen, beheaded in August 2004;
- d. Twelve Nepali citizens murdered on film, one was beheaded and the others were shot, in August 2004;
- e. Eugene Armstrong, a U.S. construction contractor, beheaded in September 2004;
- f. Jack Hensley, a U.S. construction contractor, beheaded in September 2004;
- g. Kenneth Bigly, a British civil engineer, beheaded in October 2004; and
- h. Shosei Koda, a Japanese tourist, beheaded in October 2004.

99. On October 15, 2004, the U.S. Government designated al-Zarqawi's terrorist group *al-Tawhid* as a "specially designated global terrorist" ("SDGT") pursuant to Executive Order 13224, and as a designated "foreign terrorist organization" ("FTO") pursuant to § 219 of the INA, 8 U.S.C. § 1189.

100. These SDGT and FTO designations have been updated from time to time to include ISIS's various names and aliases including, among others, "*al-Qaeda* in Iraq," "The Islamic State of Iraq," "The Islamic State of Iraq and Syria," and "The Islamic State," and remain in effect today.

101. Al-Zarqawi's innovative—yet relatively low-tech—use of the internet to broadcast his *jihadi* message together with graphic videos of beheadings and suicide bombings catapulted him to a new prominence.

102. According to BBC Security Correspondent Gordon Corera, “[o]ver the summer of 2004 with Osama bin Laden yet to appear and Zarqawi carrying out increasingly bloody and high profile attacks, some began to question whether Zarqawi was beginning to rival or even succeed bin Laden.”¹⁵

103. Corera explained that even though al-Zarqawi’s terrorist group was estimated to only have between 50 to 500 members at this time, “they exercise[d] an exaggerated degree of influence due to their coupling of extreme violence with an acute understanding of the power of the media.”¹⁶

104. Al-Zarqawi had become a figure *al-Qaeda* could not ignore: according to terrorism analyst Aaron Y. Zelin, founder of Jihadology.net, not only did bin-Laden not want to be “outdone” by al-Zarqawi, “bin-Laden himself wanted to ‘own’ the Iraq jihad as well as remain relevant while hiding from the United States.”¹⁷

105. In late 2004, al-Zarqawi received the official recognition he sought: on October 17, 2004, al-Zarqawi declared allegiance to bin-Laden in an official online statement, and *al-Qaeda* accepted and publicized al-Zarqawi’s oath to bin-Laden in its online magazine *Mu’askar al-Battar* on October 25, 2004.

¹⁵ Gordon Corera, “Unraveling Zarqawi’s al-Qaeda Connection,” *Terrorism Monitor*, Vol. 2, Issue 24 (The Jamestown Foundation, Dec. 15, 2004), http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=27306&tx_ttnews%5BbackPid%5D=179&no_cache=1#.V49QsjXdlrZ.

¹⁶ *Id.*

¹⁷ Aaron Y. Zelin, “The War between ISIS and al-Qaeda for Supremacy of the Global Jihadist Movement,” *The Washington Institute for Near East Policy* (June 2014), http://www.washingtoninstitute.org/uploads/Documents/pubs/ResearchNote_20_Zelin.pdf.

106. On December 27 2004, Al Jazeera television broadcast an audiotape of bin-Laden calling al-Zarqawi “the prince of al Qaeda in Iraq” and asking “all our organization brethren to listen to him and obey him in his good deeds.”¹⁸

107. Al-Zarqawi changed his group’s name to “*Tanzim Qa’idat al-Jihad fi Bilad al-Rafidayn*” (“Organization of *Jihad’s* Base in the Land of Two Rivers [Iraq]”), and it became commonly known as “*al-Qaeda* in Iraq” (“AQI”).

108. The following is a picture of the AQI flag:



109. The official connection with *al-Qaeda* not only provided al-Zarqawi with greater legitimacy among *jihadi* terrorists, it also gave him essential tangible resources, including access to *al-Qaeda’s* important private donors and recruitment, logistics, and facilitation networks.

110. By mid-2005, Lt. General David Petraeus assessed that al-Zarqawi had indeed attained “an international name ‘of enormous symbolic importance’ . . . on a par with bin-Laden, largely because of his group’s proficiency at publicizing him on the Internet.”¹⁹

B. AQI rebrands itself as the Islamic State of Iraq

111. Al-Zarqawi’s notoriety, however, was not without personal cost: on June 7, 2006, al-Zarqawi was targeted and killed by a U.S. airstrike.

¹⁸ “Purported bin Laden tape endorses al-Zarqawi,” *CNN* (Dec. 27, 2004), <http://edition.cnn.com/2004/WORLD/meast/12/27/binladen.tape/>.

¹⁹ Susan B. Glasser and Steve Coll, “The Web as Weapon,” *The Washington Post* (Aug. 9, 2005), <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/08/AR2005080801018.html>.

112. After al-Zarqawi's death, AQI in October 2006 declared the establishment of the "Islamic State of Iraq" ("*ad-Dawlah al-'Iraq al-Islamiyah*") ("ISI").

113. Many, including the United States and its allies, nevertheless generally continued to refer to the group as "*al-Qaeda* in Iraq" or AQI.

114. Although AQI/ISI's reach at that point was limited, its goal was to take control of the western and central areas of Iraq and turn it into a Sunni Islamic religious state.

115. The following is a picture of the ISI flag (which also remains the flag of ISIS):



C. AQI/ISI expands in Iraq and into Syria to become ISIS

116. In May 2010, AQI/ISI announced Abu Bakr al-Baghdadi ("Abu Bakr") as the leader of AQI/ISI.

117. During 2011, the withdrawal of U.S. forces from Iraq and the beginning of the uprising against President Bashar al-Assad in neighboring Syria presented opportunities for AQI/ISI to inflame Sunni Muslim antipathy toward the non-Sunni-dominated governments in Iraq and Syria, and to promote AQI/ISI's own agenda of expanding power in these areas through terrorism and *jihad*.

118. With regard to Syria, AQI/ISI's Abu Bakr secretly dispatched *jihadi* leader Abu Mohammed al-Julani ("al-Julani") to go to Syria and gather support to establish a local Sunni Muslim *jihadi* force to participate in and influence the effort to overthrow President Assad.

119. Al-Julani organized and established an Islamist militant group in Syria known as “*Jabhat al-Nusra*” (“*al-Nusra*”), which emerged as one of the fiercest groups opposing the Syrian regime, carrying out dozens of suicide bombings targeting both Syrian soldiers and civilians.²⁰

120. In March 2013, Abu Bakr also forged ties with another influential *jihadi* leader in Syria, Amr al-Absi (a.k.a. Abu Atheer) (“al-Absi”), who controlled territory in Syria’s Homs district, gaining al-Absi’s support for AQI/ISI’s impending expansion into Syria.²¹

121. On April 8, 2013, AQI/ISI’s *al-Furqan* Media released an audio statement by AQI/ISI leader Abu Bakr that was distributed via Twitter and YouTube, as shown in the following screen-clip from Twitter:



122. In his April 8, 2013 audio statement, Abu Bakr announced that AQI/ISI had been responsible for establishing *al-Nusra* in Syria and providing it with personnel and support since August 2011, and he further declared that AQI/ISI and *al-Nusra* were now officially merged

²⁰ See Bill Roggio, “Al Nusrah Front claims 3 more suicide attacks in Daraa,” *The Long War Journal* (Foundation for Defense of Democracies, Nov. 27, 2012), http://www.longwarjournal.org/archives/2012/11/al_nusrah_front_claims_3_more.php.

²¹ Harald Doornbos and Jenan Moussa, “Present at the Creation,” *Foreign Policy* (Aug. 16, 2016), <http://foreignpolicy.com/2016/08/16/present-at-the-creation/>.

under the newly expanded name, “*ad-Dawlah al-Islamiyah fil- ‘Iraq wash-Sham*” (“The Islamic State of Iraq and Syria”²²) (“ISIS”).²³

123. Abu Bakr’s declaration was a call for all of the *jihadi* groups in Syria to become part of ISIS and come under Abu Bakr’s leadership.

124. Although *al-Nusra* leader al-Julani objected to Abu Bakr’s merger announcement, many *al-Nusra* members (particularly foreign-born fighters), as well as other *jihadi* leaders and their groups, shifted their allegiance to ISIS.

125. ISIS took advantage of this shift to establish a substantial official presence in Syria almost overnight, and to take control of additional Syrian areas in the following months.

126. Al-Absi became ISIS’s “governor” of Aleppo in Syria, and commanded many French, Belgian, and Dutch recruits in Syria, including ISIS terrorists involved in the Paris and Brussels attacks at issue in this case.

127. Al-Absi also became known as ISIS’s “kidnapper in chief,” and he directed the production of much of ISIS’s online propaganda.

128. By January 2014, ISIS had taken control of the northeastern Syrian city of Raqqa, which ISIS declared as its capital.

129. ISIS imposed its own strict *sharia* (Islamic law) on Raqqa’s 220,000 inhabitants, and declared members of other Muslim sects in the city to be infidels.

²² The Arabic “*al-Sham*” can be understood as either Syria or the Levant, the latter being an historically broader term. The English acronyms “ISIS” and “ISIL” have thus both been used to identify the same terrorist organization depending upon translation. ISIS is also known (primarily by its detractors) as “DAESH,” an acronym based upon its Arabic name.

²³ Aymenn Jawad Al-Tamimi, “The Islamic State of Iraq and al-Sham,” *Middle East Review of International Affairs (MERIA Journal)* (Fall 2013), <http://www.aymennjawad.org/14151/the-islamic-state-of-iraq-and-al-sham>.

130. ISIS jailed, maimed, or killed its opponents in the city of Raqqa, or those whom ISIS accused of engaging in activities ISIS considered anti-Islamic.

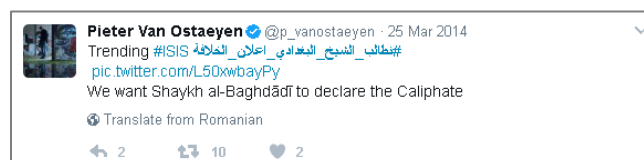
131. ISIS subjugated the city of Raqqa through terror and fear, with its members patrolling the city wearing explosive suicide vests, killing, beheading, and crucifying some of its victims and leaving their remains in the public square.

D. ISIS proclaims an Islamic Caliphate and expands its reach of terror

132. In March 2014, ISIS used Twitter to generate popular support and create the impression that its expansion and claims had legitimacy by launching a Twitter “hashtag” campaign with the Arabic message, “We want [demand] Sheikh [Abu Bakr] Al-Baghdadi to declare the Caliphate,” as shown by the following screen-clip from Twitter:



133. The following is a screen-clip of a Twitter message by Belgian journalist and historian Pieter Van Ostaeyen documenting the ISIS Twitter “hashtag” campaign promoting ISIS’s Abu Bakr and the “Caliphate”:



134. On June 29, 2014, ISIS used Twitter to release a video titled, “The End of Sykes-Picot,” in which ISIS announced that it would annul the Sykes-Picot Agreement that had served as the basis for the nation-states of the Middle East (including Iraq and Syria), and shatter all the borders to form a single Islamic state.

135. Also on June 29, 2014, ISIS used Twitter to release an audio message titled, “This is the Promise of Allah,” in which ISIS spokesman Abu Muhammad al-Adnani declared the establishment of ISIS as a worldwide “Islamic Caliphate”²⁴—an Islamic religious state to which all Muslims must submit and pledge fealty—with Abu Bakr as its “Caliph” (ruler).

136. ISIS has claimed that it is destined to establish its rule worldwide.

137. Several smaller Islamist terrorist groups have taken control of territory within other countries and areas, including Libya, Yemen, and the Sinai Peninsula, and have claimed such territories to be “provinces” of the ISIS Caliphate.

E. Official terrorist designations of ISIS

138. Not only have ISIS’s claims of statehood and sovereignty been rejected by countries worldwide, ISIS has been officially designated as a terrorist organization by the United Nations, the European Union, and numerous governments around the world, including the United States, Britain, Australia, Canada, Turkey, Saudi Arabia, Indonesia, the United Arab Emirates, Malaysia, Egypt, India, Russia, Kyrgyzstan, Syria, Jordan, and Pakistan.

139. Since October 15, 2004 and still today, ISIS is an officially designated foreign terrorist organization (“FTO”) pursuant to § 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189 (“INA”).

²⁴ At this time, ISIS shortened its name to *ad-Dawlah al-Islamiyah* (the “Islamic State” or “IS”). For the sake of simplicity, the more commonly used name “ISIS” is used in this Complaint.

140. Knowingly providing material support or resources to ISIS, a designated FTO, is a federal criminal offense under 18 U.S.C. § 2339B.

141. Since October 15, 2004 and still today, ISIS is also a specially designated global terrorist (“SDGT”) under Executive Order No. 13224.

142. Federal law prohibits “making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any [SDGT],” including ISIS, and a violation of these prohibitions is a federal criminal offense. 31 C.F.R. § 594.204; 50 U.S.C. § 1705.

III. ISIS’S EXTENSIVE USE OF TWITTER

A. Twitter’s Services

143. Twitter provides a sophisticated yet easy-to-use Internet social media platform and related products and services (collectively, “Services”) under the general trade name “Twitter.”

144. Twitter’s Services include use of Twitter’s computer infrastructure, network, applications, tools and features, communications services, and more.

145. Among the specialized tools and features Twitter provides as part of its Services are: “TweetDeck” for “real-time tracking, organizing and engaging”; “Curator” for advanced locating, filtering, and displaying content; various smartphone applications; other tools for monitoring, scheduling, and creating alerts; and more.

146. Twitter’s “open source” platform enables users to develop and use customized “bots” and other applications to automate, specialize, and expand their use of Twitter.

147. Twitter’s communications services can be used to post and distribute public messages, or privacy settings and “Direct Messages” are available to enable users to communicate privately.

148. Twitter permits users to create and follow an unlimited number of accounts.

149. Twitter provides its Services only to its registered users, who register by inputting identifying information and clicking on a “Sign up” button.

150. It is not necessary to view any of the “Terms of Service” or other policies or conditions in order to proceed with registration.

151. Twitter provides its Services to its registered users free of charge.

B. ISIS and Twitter

152. Twitter has played an essential role in the rise and expansion of ISIS to become the most feared terrorist organization in the world.

153. Building upon al-Zarqawi’s legacy, ISIS’s use of media, communication services, and propaganda has been central to its operations and growth for more than a decade.

154. In November 2006, ISIS (then known as AQI/ISI) established a media production organization dedicated to producing professional-quality media to promote its *jihadi* mission named in Arabic: “*al-Furqan* Institute for Media Production” (“*al-Furqan* Media”).

155. In a press release announcing *al-Furqan* Media, ISIS stated: “This Institute is a milestone on the path of Jihad; a distinguished media that takes the great care in the management of the conflict with the Crusaders [Western nations] and their tails [sic] and to expose the lies in the Crusaders’ media.”²⁵

156. *Al-Furqan* Media’s logo appears as follows:

²⁵ See Bill Roggio, “US targets al Qaeda’s al Furqan media wing in Iraq,” *The Long War Journal* (Foundation for Defense of Democracies, Oct. 28, 2007), http://www.longwarjournal.org/archives/2007/10/us_targets_al_qaedas.php.



157. The establishment of *al-Furqan* and the significant investment of resources and manpower in its activities demonstrate the major importance ISIS placed on its media *jihad*.

158. For example, following a raid on one of ISI's *al-Furqan* Media offices in Samarra, Iraq in June 2007, Brigadier General Kevin Bergner, a spokesman for the Multinational Forces Iraq, described the scope of operations of that single office already at that time as follows:

“[The Samarra office] produced CDs, DVDs, posters, pamphlets, and web-related propaganda products and contained documents clearly identifying al Qaeda in Iraq[/ISI]’s intent to use media as a weapon.

...

The building contained 65 hard drives, 18 thumb drives, over 500 CDs and 12 stand-alone computers . . . In all, this media center had the capacity of reproducing 156 CDs in an eight-hour period and had a fully functioning film studio.

...

[U.S. forces also found] a sampling of other propaganda documents: a letter that gives instructions on how to use the media to get out the al Qaeda [in Iraq/ISI] message most effectively; an al Qaeda [in Iraq/ISI] activity report highlighting car bomb, suicide, missile, mortar, sniping and IED [improvised explosive device] attacks; a propaganda poster that encourages filming and distributing videos, showing al Qaeda [in Iraq/ISI] attacks on coalition forces; and a pamphlet and a CD cover of their sniper school.”²⁶

159. In 2013, as ISIS was preparing to official expand into Syria, ISIS began a dramatic new expansion of its media production capabilities and exploitation of social media.

²⁶ *Id.*

160. In March 2013, ISIS announced the formation of a second ISIS media production arm known as “*al-I’tisam* Media Foundation” (“*al-I’tisam* Media”), in addition to its already well-established *al-Furqan* Media.

161. *Al-I’tisam* Media’s logo appears as follows:



162. In August 2013, ISIS announced the formation of a third media production arm, the “*Ajnad* Foundation for Media Production” (the “*Ajnad* Foundation”), specializing in audio content, including Islamic inspirational songs (“*nashids*”) that accompany ISIS videos and are also released on their own, as well as sermons, Quran readings, and other indoctrination.

163. ISIS *nashids* are emotionally powerful musical chants, and ISIS terrorists have reportedly used recordings of these *nashids* that are disseminated via Twitter to pump up their emotions and excitement prior to carrying out an attack.

164. The *Ajnad* Foundation’s logo appears as follows:



165. In May 2014, ISIS launched a fourth media production department named “*al-Hayat* Media Center” (“*al-Hayat* Media”) specifically to target Western and non-Arabic-speaking audiences, producing and distributing material via Twitter in many languages, including English, French, Dutch, German, Turkish, Russian, and more.

166. *Al-Hayat* Media’s logo appears as follows:



167. In addition to these four central media production departments, as ISIS expanded its reach over more territory through conquest and pledges of allegiance by other terrorist bands, local “districts” or “provinces” under ISIS’s control established their own official ISIS media departments to further carry out ISIS’s media *jihad*.

168. In addition, in 2013 ISIS established the “*al-Battar* Media Group” specifically to produce and disseminate ISIS media on social media, particularly via Twitter.

169. In 2014, the “*Amaq* News Agency” was established to provide an “alternative” to Western news organizations, and it functions as an official news outlet for ISIS.

170. Using its highly developed media production departments and various branded media outlets, together with sophisticated distribution networks using Twitter, ISIS has been able to create propaganda, recruitment, and operational campaigns that are exceptionally professional, sophisticated, and effective.

171. Ambassador Alberto Fernandez, Vice-President of the Middle East Media Research Institute (“MEMRI”) and former Coordinator for Strategic Counter-Terrorism

Communications at the U.S. Department of State, has called ISIS's media materials, "the gold standard for propaganda in terms of its quality and quantity."²⁷

172. ISIS's use of Twitter to disseminate its materials and messages and execute its propaganda, recruitment, and operational campaigns, has been essential to the success of its media and terror campaigns, and to the success of ISIS; indeed, all of ISIS's media production departments described above have used Twitter.

173. Indeed, prior to the Paris attacks at issue in this case, Twitter had become ISIS's "main platform for online networking and diffusion of group propaganda."²⁸

174. ISIS's use of Twitter helps give the terrorist organization an image of sophistication and advanced media capabilities.

175. By allowing ISIS and its affiliates to register for Twitter accounts and use Twitter's Services, Twitter also lends a sense of authenticity and legitimacy to ISIS as an organization that can operate openly and with impunity, notwithstanding the murderous crimes it commits and its status as an illegal terrorist organization.

176. ISIS has used Twitter to disseminate videos of its brutality and conquests as a psychological weapon to strike fear in its enemies.

177. For example, on March 17, 2014, ISIS's *al-I'tisam* Media used Twitter to announce the release of an hour-long graphic video titled, "The Clanging of the Swords 4,"

²⁷ Dr. Erin Marie Saltman & Charlie Winter, "Islamic State: The Changing Face of Modern Jihadism," *Quilliam* (Nov. 2014), <https://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/islamic-state-the-changing-face-of-modern-jihadism.pdf>.

²⁸ "Jihadist Social Media Activity-Twitter (June 30-July 15)," *International Institute for Counter Terrorism (ICT)* (IDC Herzliya 2015), <https://www.ict.org.il/UserFiles/JWMG-Ins-Nov15-Twitter.pdf>.

produced by ISIS's *al-Furqan* Media, and then used Twitter to publish the video a few hours later using links to the video on YouTube.

178. The terrorism analysis website Jihadica.com reported that within 24 hours of the video's publication, "The Clanging of the Swords 4" had been viewed 56,998 times, with the predominate platforms for disseminating the tens of thousands of tweets about the video being Twitter's smartphone applications Twitter for Android and Twitter for iPhone.²⁹

179. ISIS has mastered the use of Twitter to inflate the image of its size, ferocity, and following to the world.

180. ISIS uses Twitter's features to exaggerate its reach and promote an image of power and supremacy over other rival groups or enemies, for example by employing multiple accounts, Twitter "bots," automated tweets, and more.

181. ISIS has used Twitter's famous "hashtag" feature to engage in "hashtag hijacking," by which ISIS will use an existing popular hashtag that is unrelated to ISIS's topic and flood the hashtag with ISIS's tweets.

182. In this way, whenever viewers search for the "hijacked" hashtag, ISIS's Twitter messages will appear on their screen hundreds or even thousands of times.

183. For example, during the 2014 World Cup soccer match, ISIS forced its message onto an un-expecting audience by using "hashtag hijacking" to mass-tweet the image of a decapitated head with the caption: "This is our football, it's made of skin #WorldCup."³⁰

²⁹ Nica Prucha, "Is this the most successful release of a jihadist video ever?" Jihadica.com (May 19, 2014), <http://www.jihadica.com/is-this-the-most-successful-release-of-a-jihadist-video-ever/>.

³⁰ Selim Algar, "'This is our ball': Iraqi jihadis cut off head for World Cup tweet," *New York Post* (Jun. 13, 2014), <http://nypost.com/2014/06/13/iraqi-jihadists-joke-about-using-severed-head-as-soccer-ball>. Note that the image copied to this Complaint is taken from the



184. Tactics such as “hashtag hijacking” not only ensure ISIS’s ability to reach wider audiences, but also to give the sense that ISIS is ever-present and cannot be ignored.

185. ISIS has particularly been known for using Twitter to post gruesome images of murders, beheadings, and mass executions of soldiers and civilians and other atrocities committed by ISIS in the areas they captured.³¹

186. ISIS’s ability to force upon the world its message, evidence of its atrocities, and the image of its brutality and strength using Twitter, not only intensifies the intimidation it creates, but also motivates and emboldens its members and followers to carry out even more terrorist attacks.

foregoing news article with the image of the severed head blurred by editors. The original ISIS tweet was uncensored and the severed head was clearly visible. ISIS also tweeted video footage of the beheading. *Id.*

³¹ “Militants post grisly images of mass killing in Iraq,” *CBS News* (Jun. 15, 2014), <http://www.cbsnews.com/news/iraq-conflict-isis-militants-post-grisly-images-of-mass-killing/>.

187. In 2014, ISIS used Twitter's open-source design features to develop a specialized Arabic-language Twitter application called "*Fajer al-Bashaer*" ("Dawn of Glad Tidings") to operate using the Twitter platform.

188. ISIS released the "Dawn of Glad Tidings" application for wide distribution and use in April 2014, advertising it as a way to keep up on the latest news about ISIS.³²

189. The following are screen-clips from an ISIS "Dawn of Glad Tidings" Twitter account:



190. Users who downloaded the "Dawn of Glad Tidings" application had to provide personal information, and they received automatic tweets from ISIS, which included links, hashtags, and images; however, by signing up, users also gave ISIS permission to send tweets through their own personal accounts.

191. Thus, the Twitter account of a "Dawn of Glad Tidings" user would function normally most of the time, but would periodically broadcast tweets from ISIS that were also sent around at the same time to hundreds or even thousands of other accounts, thus amplifying ISIS's message.³³

³² J.M. Berger, "How ISIS Games Twitter," *The Atlantic* (Jun. 16, 2014), <https://www.theatlantic.com/international/archive/2014/06/isis-iraq-twitter-social-media-strategy/372856/>.

³³ *Id.*

192. The “Dawn of Glad Tidings” application enabled ISIS to automatically flood smartphones and computer screens throughout the Arab and broader world with propaganda and pictures that made ISIS seem even more powerful and invincible.

193. In June 2014, when ISIS advanced upon Mosul, Iraq’s second largest city, it simultaneously launched a Twitter hashtag campaign (“#AllEyesonISIS”), enhanced by its “Dawn of Glad Tidings” application, registering nearly 40,000 posts (or “tweets”) in one day.³⁴

194. According to CBS News, analysts described ISIS’s June 2014 ground offensive in northern Iraq as having been “aided ... by an unprecedented social media blitz.”³⁵

195. The hashtag campaign became one of ISIS’s most successful psychological operations (known as “PSYOPs” in military jargon), spreading fear and terror among the residents of Mosul and Iraqi Army soldiers, giving a sense of inevitability and doom about the advancing ISIS terrorists and the atrocities they would soon commit in the city.³⁶

196. As a result, the 30,000 Iraqi Army soldiers defending Mosul fled, and a band of perhaps 2,000 ISIS terrorists captured the city of 1.5 million people.³⁷

197. Shortly after the capture of Mosul, ISIS used Twitter to broadcast images of armed ISIS terrorists looking towards Baghdad, with an ISIS flag photo-shopped atop Baghdad buildings, again projecting an air of invincibility and inevitability, such as the following:³⁸

³⁴ *Id.*

³⁵ Alexander Trowbridge, “Jihadists on the move in Iraq with weapons, hashtags,” *CBS News* (Jun. 16, 2014), <http://www.cbsnews.com/news/isis-jihadists-on-move-in-iraq-using-weapons-and-twitter-hashtags/>.

³⁶ P.W. Singer and Emerson Brooking, “Terror on Twitter,” *Popular Science* (Dec. 11, 2015), <http://www.popsoci.com/terror-on-twitter-how-isis-is-taking-war-to-social-media>.

³⁷ *Id.*

³⁸ Alexander Trowbridge, “Jihadists on the move in Iraq with weapons, hashtags,” *CBS News* (Jun. 16, 2014), <http://www.cbsnews.com/news/isis-jihadists-on-move-in-iraq-using-weapons-and-twitter-hashtags/>.

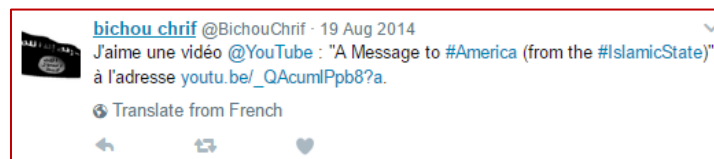


198. ISIS has thus used Twitter as a means to use violence, destruction, and murder to intimidate civilian populations and enemy soldiers.

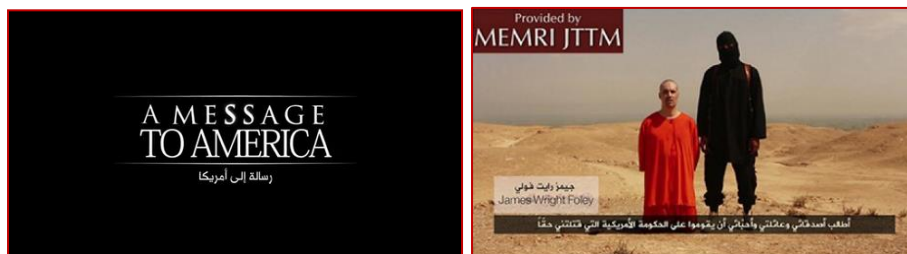
199. ISIS has also used Twitter as a means to use violence, destruction, murder, and kidnapping as a means of affecting the actions and influencing the policies of governments.

200. For example, on August 19, 2014, ISIS used Twitter to disseminate a video in English titled “A Message to America,” showing the beheading of American journalist James Foley by a hooded man with a British accent, later known as “Jihadi John.”

201. For example, the following is a screen-clip from Twitter promoting the video:



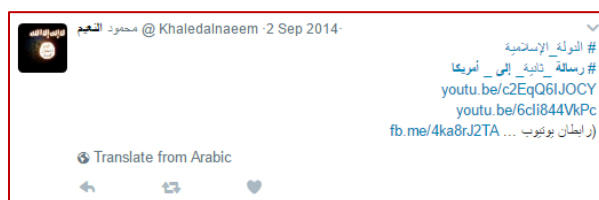
202. The following are screen clips from the August 19, 2014 video:



203. In the video of Foley's murder, ISIS also showed another captive American, Steven Sotloff, and threatened that his fate would be the same if the U.S. did not cease all attacks against ISIS.

204. On September 2, 2014, ISIS used Twitter to disseminate a video titled "A Second Message to America," showing the beheading of Steven Sotloff, and threatening to murder Britain David Hanes.

205. For example, the following is a screen-clip from Twitter promoting the video:



206. The following are screen clips from the September 2, 2014 video:



207. On September 13, 2014, ISIS used Twitter to disseminate a video titled "A Message to the Allies of America," showing the beheading of David Haines, a British aid worker, and threatening to murder Britain Alan Henning.

208. The following is a screen clip from the September 13, 2014 video:



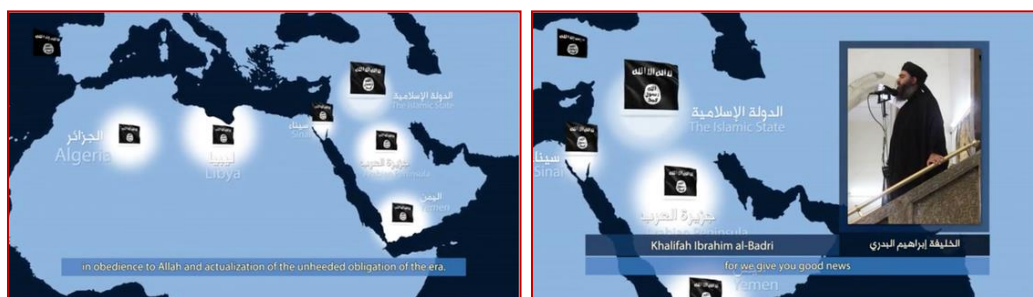
209. On October 3, 2014, ISIS used Twitter to disseminate a video titled “Another Message to America and its Allies,” showing the beheading of Alan Henning, a British aid worker, and threatening to murder American Peter Kassig.

210. The following is a screen clip from the October 3, 2014 video:



211. On November 16, 2014, ISIS used Twitter to disseminate a video titled “Although the Disbelievers Will Not Like It,” which opened with an ISIS propaganda map showing areas that had been declared “provinces” of the ISIS “Caliphate” and a speech by ISIS leader Abu Bakr (who took the name Khalifah Ibrahim al-Badri) accepting oaths of loyalty purportedly made from various terrorist leaders of these “provinces.”

212. The following are screen clips from the November 16, 2014 video:



213. The video shows action scenes of Christians, Shiite Muslims, and Americans being killed by ISIS *jihadis*, contrasted with bloody images of children depicted as victims of enemy attacks.

214. The video continues with a procession of about 18 bound captives said to be Syrian pilots, who are forced to kneel and are beheaded before the camera by ISIS terrorists, all set to the sound of the militant ISIS *nasheed* musical chant familiar to many ISIS videos.

215. The following are additional screen clips from the November 16, 2014 video:



216. Just before the beheading are shown in the video, ISIS executioner “Jihadi John” makes the following statement:

“To Obama, the dog of Rome, today we are slaughtering the soldiers of [Syrian President] Bashar [al Assad] and tomorrow we’ll be slaughtering your soldiers. And with Allah’s permission we will break this final and last crusade. And the Islamic State will soon, like your puppet David Cameron said, will begin to slaughter your people in your streets.”

217. After the beheadings, the video shows the bodies of the captives on the ground with their severed heads placed atop their backs and pools of blood on the ground.

218. In the final minute of the video, the scene changes to “Jihadi John” standing alone by another severed head on the ground, which he says is that of American Peter Kassig, as the terrorist announces another threat to America and its allies.

219. In December 2014, ISIS captured a Jordanian pilot named Mu’adh al-Kasasbeh after his plane went down in Syria.

220. ISIS not only used Twitter to publicize pictures from al-Kasasbeh's capture, it also used Twitter to gain attention by soliciting suggestions for how the pilot should be murdered by posting on Twitter the Arabic hashtag "#Suggest a Way to Kill the Jordanian Pilot Pig," which generated over one thousand messages on Twitter.³⁹

221. The following are examples of responses generated by ISIS's Twitter hashtag campaign:⁴⁰



222. ISIS ultimately decided to murder al-Kasasbeh by setting him on fire, and on February 3, 2015, ISIS's *al-Furqan* Institute used Twitter to release a video (titled in Arabic "Healing a Believer's Chest") showing al-Kasasbeh being burned alive in a cage.

223. The following are scenes from that video:



³⁹ Jan Omega, "After Capturing Fighter Pilot, ISIS Utilizes Social Media to Decide His Execution," *Inquisitr* (Dec. 30, 2014), <http://www.inquisitr.com/1715708/fighter-pilot-isis-social-media-execution/>.

⁴⁰ *Id.*

224. On February 15, 2015, ISIS used Twitter to release a video titled “A Message Signed With Blood To The Nation Of The Cross,” showing the beheading of 21 Coptic Christian men ISIS had captured in Libya:



225. ISIS has also used Twitter to release videos of other cruel executions, including numerous beheadings and crucifixions, discharging explosives attached to captives, slowly lowering caged captives into water to drown, and more.

226. ISIS uses Twitter extensively for recruitment of members and followers, and to inspire sympathizers around the world to commit terrorist attacks as well.

227. Twitter enables ISIS to reach out to many thousands of potential recruits with its messages and videos, and enables potential recruits to contact ISIS recruiters directly.

228. In other words, Twitter enables ISIS to establish a direct line of instant contact and communication between ISIS and potential recruits.

229. Through its use of Twitter and other social media, ISIS has recruited more than 30,000 foreign recruits since 2014, including some 4,500 Westerners and 250 Americans.

230. ISIS has taken videos of mass executions, produced and mixed with drama and set to militant *nasheed* chants, and used Twitter to make these videos “go viral” on the internet and into the mainstream media.

231. For example, in October 2013, ISIS used Twitter to post a video of a prison break at the Abu Ghraib prison in Iraq, and its subsequent execution of Iraqi army officers.

232. New ISIS members have used Twitter to advertise their membership and terrorist activities, and to recruit others to join.

233. In May 2013, a British citizen who publicly identified himself as an ISIS supporter tweeted about landing in Turkey before crossing into Syria to join ISIS in its fight against the Syrian regime.

234. In December 2013, the first Saudi Arabian female suicide bomber to join ISIS in Syria tweeted her intent to become a martyr for ISIS as she left for Syria.

235. In June 2014, ISIS's *al-Hayat* Media used Twitter to launch and propagate a series of short videos called "Mujatweets."

236. For example, the following is a screen-clip from Twitter promoting the first "Mujatweets" video:



237. The Mujatweets were an ISIS recruiting tool aimed at European Muslims, purporting to show "snippets of day-to-day life in the 'Islamic State'" to portray life under ISIS as peaceful and normal.

238. The following is a copy of a Twitter message from Belgian journalist and historian Pieter Van Ostaeyen showing a picture of a Belgian ISIS recruit in Syria from ISIS's Mujatweets episode 2:



239. ISIS has also used Twitter to post other enticing images of life in ISIS-controlled areas and distribute pamphlets such as “Life in Wilayat [the Province of] Nineveh” and “Mosul at Night” that show people laughing, enjoying ice cream, and shopping.

240. ISIS uses Twitter to portray religious followers as happy, content, and smiling.

241. After first contact, potential recruits and ISIS recruiters often communicate via Twitter’s Direct Messaging capabilities.

242. Twitter itself describes Direct Messages as follows: “Direct Messages are the private side of Twitter ... Communicate quickly and privately with one person or many. Direct Messages support text, photos, links, emoji and Tweets, so you can make your point however you please ... Have a private conversation with anyone on Twitter, even a friend of a friend. Direct messages can only be seen between the people included.”

243. According to FBI Director James Comey:

“[W]ith the rise of [ISIS], we were suddenly confronted with a terrorist group that had ... an entirely different way of approaching terrorism.

Their mission was two-pronged: to bring fighters and their families to the Iraq-Syria border region where they claim their so-called caliphate, and if they couldn’t attract fighters to them, they wanted people to kill where they were ... That was their twin-pronged call, their siren song. Come or kill, come or kill.

The message went out in a way that [bin-Laden's original] al Qaeda never imagined and never could have dreamed of ... the threat came from [ISIS] over social media. Social media, which had revolutionized the way all of us connect to each other, and revolutionized terrorism because [ISIS] could send their twin-pronged message of come or kill out through the chaotic spider web of Twitter.

In the old days ... if someone wanted to consume terrorist propaganda, they went to a particular place. They went to a web forum. They went to find where a copy of [al-Qaeda's] *Inspire* magazine was posted. And if they wanted to talk to a terrorist, they sent an e-mail into *Inspire* magazine and would hope that [a terrorist] would e-mail back ... [ISIS] changed that model. Now there is no longer a place where the media is posted. Now it goes out through this chaotic spider web. And it arrives in your pocket, on the device on your hip or in your breast pocket, all day long is the twin message. Come or kill. Come or kill. And if you want to talk to a terrorist, you don't need to send an e-mail to anybody. You just need to follow that terrorist on Twitter, and then maybe engage in Twitter direct messaging with that terrorist.

[ISIS] invested in a very slick message that buzzes in pockets all over the world ... Twitter works as a way to sell books, as a way to promote movies. It works as a way to crowd source terrorism, to sell murder.”⁴¹

244. ISIS uses Twitter to indoctrinate and radicalize potential recruits and followers, providing a constant stream of religious teachings, mantras, and images showing the “truth” of ISIS’s doctrines and the “heresy” of other groups, particularly Christians, Jews, and non-Sunni Muslims.

245. ISIS also uses Twitter to raise funds for its terrorist activities.

246. David Cohen, the U.S. Treasury Department’s Under Secretary for Terrorism and Financial Intelligence, has described ISIS “donor networks” that involve “bundlers” who use social media to solicit funds in Persian Gulf states and deliver the funds to ISIS in Iraq and Syria.

⁴¹ James B. Comey, “Standing Together Against Terrorism and Fear: Tossed by the Waves but Never Sunk,” *NYPD Shield* (Dec. 16, 2015), <https://www.fbi.gov/news/speeches/standing-together-against-terrorism-and-fear-tossed-by-the-waves-but-never-sunk>.

Asked whether these donations received through social media involve “small-dollar donations [or] big-dollar donations,” Under Secretary Cohen replied:

“Look, I think it’s all of the above. You see these appeals on Twitter in particular from well-known terrorist financiers, ones that we’ve designated, that have been designated at the U.N., asking for donations to be made to -- and they’re quite explicit -- that these are to be made to [ISIS] for their military campaign.”⁴²

247. The Financial Action Task Force (“FATF”) has also reported that “individuals associated with ISIL have called for donations via Twitter and have asked the donors to contact them through Skype.”⁴³

248. For example, an ISIS-affiliated cleric used the Twitter account @Jahd_bmalk to solicit donations to supply weapons for ISIS terrorists with the slogan: “Participate in Jihad with your Money.”

249. The @Jahd_bmalk Twitter account featured a “tiered” donation incentive campaign, tweeting (in Arabic) that, “if 50 dinars is donated, equivalent to 50 sniper rounds, one will receive a ‘silver status.’ Likewise, if 100 dinars is donated, which buys eight mortar rounds, the contributor will earn the title of ‘gold status’ donor.”

250. According to tweets from the @Jahd_bmalk account, the user generated over 26,000 Saudi Riyals (almost \$7,000) in donations to ISIS via this account.

⁴² “Press Briefing by Press Secretary Josh Earnest, 10/23/2014,” *The White House, Office of the Press Secretary* (Oct. 23, 2014), <https://www.whitehouse.gov/the-press-office/2014/10/23/press-briefing-press-secretary-josh-earnest-10232014>.

⁴³ “Financing of the Terrorist Organisation Islamic State in Iraq and the Levant (ISIL),” *Financial Action Task Force (FATF)* (Feb. 2015), http://www.ilsole24ore.com/pdf2010/Editrice/ILSOLE24ORE/ILSOLE24ORE/Online/Oggetti_Correlati/Documenti/Notizie/2015/02/Financing.pdf.

251. For example, the following are screen-clips from ISIS-affiliated Twitter accounts used to solicit funds for ISIS:



252. In the spring of 2014, a similar ISIS fundraising campaign used Twitter to ask followers to “support the *Mujahideen* [holy warriors] with financial contribution via the following reliable accounts,” and provided contact information for how to make the requested donations.

253. Other ISIS fundraising campaigns have used Twitter to post photographs of cash, gold bars, and luxury cars that it received from donors, as well as weapons purchased with the proceeds, as shown in the following screen-clips from Twitter:



254. As noted above, ISIS has also used Twitter’s Direct Messaging capabilities, which enable ISIS members and supporters to communicate privately.

255. According to the Brookings Institution, some ISIS members “use Twitter purely for private messaging or covert signaling.”⁴⁴

256. ISIS members will often open Twitter accounts solely for the purpose of following other Twitter accounts, whether accounts of other ISIS members, leaders, enemies, news, or police and intelligence accounts, and more.⁴⁵

257. ISIS has used Twitter to inform members of various rules of behavior, events, and even warnings of impending attacks.

258. ISIS has used Twitter to provide guides to members regarding the clandestine use of social media, VPNs, secure mobile networks, and encryption software.

259. ISIS uses Twitter to give guidance to members regarding cyber-warfare and security, such as encouraging the use of certain internet browsers such as Tor, Open Door, and Kaspersky to prevent traces and to open Twitter and other social media accounts without using a phone number.

260. ISIS has used Twitter to encourage members to download identity protection software for mobile phones and other methods to increase security on their phones.

261. ISIS uses Twitter to monitor news, police operations, intelligence information, terrorism investigators, and others sources of information that may be useful to ISIS in planning and carrying out attacks

⁴⁴ J.M. Berger and Jonathon Morgan, “The ISIS Twitter Census: Defining and describing the population of ISIS supporters on Twitter,” *The Brookings Institution* (Mar. 2015), http://www.brookings.edu/~media/research/files/papers/2015/03/isis-twitter-census-berger-morgan/isis_twitter_census_berger_morgan.pdf.

⁴⁵ See John Patrick Pullen, “4 Ways to Use Twitter Without Ever Actually Tweeting,” *Time* (Nov. 26, 2015), <http://time.com/4102662/twitterhowtouse/>.

262. ISIS uses Twitter for tactical and logistical intelligence, with members using Twitter to report on operations using videos, pictures, and written statements detailing what is happening at a particular location, where enemy forces are stationed, what weapons are being used, and the effects of attack operations.

263. ISIS members use Twitter accounts to build and maintain networks, and as a means of “command and control.”

264. With regard to ISIS’s use of social media, including specifically Twitter, the director of the Britain’s GCHQ intelligence and security agency, Robert Hannigan, wrote the following:

“They [social media companies] aspire to be neutral conduits of data and to sit outside or above politics. But increasingly their services not only host the material of violent extremism . . . but are the routes for the facilitation of crime and terrorism. However much they may dislike it, they have become the command-and-control networks of choice for terrorists and criminals, who find their services as transformational as the rest of us.”⁴⁶

265. ISIS has used Twitter to exaggerate its expansion territorially by disseminating updated maps showing areas ISIS claims to control as well as other regions where other groups have allegedly pledged allegiance to ISIS.

266. ISIS has taken videos of mass executions, produced and mixed with drama and set to militant *nasheed* chants, and used Twitter to make these videos “go viral” on the internet and into the mainstream media.

267. ISIS has used Twitter to generate sympathy by showing images of women and children allegedly injured or killed by the enemies of ISIS.

⁴⁶ Robert Hannigan, “The web is a terrorist’s command-and-control network of choice,” *Financial Times* (Nov. 3, 2014), <https://www.ft.com/content/c89b6c58-6342-11e4-8a63-00144feabdc0#axzz3I2cXHoX8>.

268. ISIS has used Twitter to boast about cyber-attacks and hacking operations, and to display information that they were able to obtain.

269. ISIS thus uses Twitter to instill morale in its members and to show how powerful and wide-reaching ISIS's cyber capabilities are.

270. ISIS uses Twitter to provide hyperlinks to other online sites, postings, media, and other social network media, as well as to provide updates to new ISIS Twitter accounts and hashtag references.

271. Thus, ISIS uses Twitter as a platform from which followers can access not only Twitter postings and comments, but also other websites, Facebook pages, YouTube content, and other online social network media.

272. ISIS has used Twitter to raise its prestige among terror groups and even overtake older *jihadist* competitors like *al-Qaeda*.

273. Whereas *al-Qaeda* traditionally used more closed forums to communicate internally, ISIS has used Twitter both openly and privately to communicate with its members.

274. ISIS has used Twitter to compete with other *jihadi* terrorist groups. For example, ISIS has used Twitter to condemn the Palestinian terrorist group Hamas because of the latter's alliance with predominately-Shiite Iran.

275. ISIS uses Twitter to disseminate its propaganda in print and video to both Muslims and non-Muslims, with the effect of instilling fear and terror in the "non-believers" while encouraging others to join in ISIS's cause.

276. ISIS also uses Twitter to communicate with ISIS members and "sympathizers" and to provide them with directions as well about what message to spread, what attacks to

commit, and even providing instructional materials for assembling bombs and other devices or how to carry out attacks.

277. ISIS has encouraged its members to use Twitter to post videos or pictures of martyred fighters who have been killed in fighting or in suicide operations.

278. ISIS uses Twitter as a means to communicate its messages to the broader news media, including Twitter accounts and posts in English, French, and other languages.

279. Twitter is especially useful to ISIS because, among other things, it is provided free of charge, allows unlimited accounts and usage, offers the ability to push content to an enormous number of users instantaneously, provides the ability to communicate without disclosing location, enables like-minded users to connect and communicate, affords both public and private communications, and integrates other social media platforms and services.

280. Moreover, the money ISIS saves by using Twitter frees up funds for Twitter to devote to even more terrorist attacks.

281. In all of these ways and more, Twitter's Services have played an essential role in enabling ISIS to grow, develop, and project itself as the most feared terrorist organization in the world.

282. The technological capabilities that Twitter's Services give to ISIS have had an enormous impact on ISIS's methods and success in recruiting, indoctrination, training, gathering and disseminating intelligence, conducting terrorist operations, and engaging in psychological warfare.

283. ISIS uses Twitter to accomplish essential tasks needed to prepare and carry out terrorist activities, including recruiting, gathering information, planning, inciting, and giving instructions for terror attacks.

284. In addition, Twitter's unique communication services have enabled ISIS to achieve and manipulate publicity via terrorist acts in a manner that it could not have done without the use of Twitter.

285. ISIS's use of violence and threats of violence is calculated and intended to have an impact far beyond the harm inflicted upon the individual victims of an attack.

286. ISIS's use of violence and threats of violence are part of its program of terrorism, designed *inter alia* to gain attention, instill fear and "terror" in others, send a message, and obtain certain goals or results.

287. In other words, the physical attack itself and the harm to the individual victims of the attack are not the only goal or "end" of ISIS's terror attacks; rather, ISIS uses terror attacks as a "means" to communicate and accomplish its broader objectives.

288. ISIS uses terrorism as a psychological weapon.

289. Thus, the messages communicated before, during, and after an ISIS terror attack, as well as the attack itself, are essential components of generating the physical, emotional, and psychological impact ISIS desires to achieve via the terrorist attack.

290. The impact and effectiveness of ISIS terrorism, and its motivation to carry out more terrorist attacks, are dependent upon ISIS's ability to communicate its messages and reach its intended audiences, without intermediaries and without substantial interference.

291. Twitter provides ISIS with a unique and powerful tool of communication that enables ISIS to achieve these goals, and it has become an essential and integral part of ISIS's program of terrorism.

292. Twitter enables ISIS to communicate its messages directly to intended audiences without having to go through the filter of commercial media, and it enables ISIS to have greater access to the commercial media to further its goals as well.

293. ISIS uses Twitter to issue terroristic threats, attract attention to its terror attacks and atrocities, instill and intensify fear from terror attacks, intimidate and coerce civilian populations, take credit for terror attacks, communicate its desired messages about the terror attacks, reach its desired audiences, demand and attempt to obtain results from the terror attacks, and influence and affect government policies and conduct.

294. ISIS thus uses Twitter to actually carry out essential communication components of ISIS's terror attacks.

295. Simply put, ISIS uses Twitter as a tool and a weapon of terrorism.

296. In September 2014, Daniel Cohen, the coordinator of the Military and Strategic Affairs Program and the Cyber Warfare Program at the Institute for National Security Studies observed that, "Islamic State [ISIS] has raised the use of cyberspace as a weapon to advance its murderous agenda to the status of an art form," and explained:

"IS uses an extremely effective public relations and propaganda mechanism in cyberspace. Its talent in PR and marketing is just as good as that of companies in the business world. It publishes online magazines; produces and distributes high-quality videos (the well-edited film of the beheading of U.S. journalist James Foley, for example) that allow for international coverage; and sells merchandise online containing its logo.

The young members of IS write and share their posts on social media. This extroverted approach is an excellent fit for IS's current strategy – preparing for global acts of terror by recruiting foreign operatives and creating new terror cells throughout the world.

...

While most of the jihadist terrorist groups operate in a secret and compartmentalized manner, IS operates in an extrovert manner, so as to become a focus of attraction and identity for oppressed Muslim populations the world over. This attraction translates into the recruitment of operatives and the branding of IS as the spearhead of global jihad.

...
The virtual sphere allows IS to attract armed Islamists the world over to the battlefields of Iraq, Syria and Lebanon. This situation intensifies the fear in the radicals' home countries that they will attack the moment they return."⁴⁷

297. In defiance of federal criminal laws that prohibit providing services to designated terrorists, Twitter enables ISIS terrorists to come out of hiding and present a public face under their own brand and logo, and under the brand and logo of an American company: Twitter.

298. Twitter's provision of support to ISIS is not simply a matter of whether ISIS abuses its use of Twitter's Services, or whether Twitter abuses its editorial judgment regarding the content of ISIS's posts; under federal law, Twitter has no discretion about whether to provide its Services to ISIS—it is prohibited by law from doing so.

299. Twitter's Services thus substantially contributed to ISIS's ability to carry out more terrorist operations, including the Paris Attack and the Brussels Attack, and the nature and expected consequence of providing these resources to ISIS was that they would be used to plan and carry out terrorist activity.

300. Prior to these attacks, many were calling upon Twitter to cease providing its Services to ISIS for just that reason; indeed, by the time of the Paris Attack, French authorities were not wondering whether ISIS would carry out such a terrorist attack in France, but when it would do so.

⁴⁷ Daniel Cohen, "Fighting Islamic State in cyberspace," *Haaretz* (Sep. 5, 2014), <http://www.haaretz.com/opinion/.premium-1.614320>.

IV. ISIS'S NOVEMBER 13, 2015 PARIS ATTACK AND MARCH 22, 2016 BRUSSELS ATTACK

A. Introduction

301. On November 13, 2015, ISIS carried out a horrific terrorist attack in Paris, France, murdering 130 people, including Nohemi Gonzalez, and injuring hundreds more (the “Paris Attack”).

302. On March 22, 2016, ISIS carried out another horrendous terrorist attack in Brussels, Belgium, murdering 32 people, including Alex Pinczowski and his sister Sascha Pinczowski, and also injuring hundreds more (the “Brussels Attack”).

303. These two terrorist attacks were intended: a) to intimidate and coerce the civilian population of France, Belgium, the United States, and other countries engaged in activities against ISIS; b) to influence the policies of these governments by intimidation and coercion; and c) to affect the conduct of these governments by mass destruction, assassination, and kidnapping.

304. Indeed, a major component of these attacks was the messaging disseminated by ISIS prior to, during, and after the events, in which ISIS stated its reasons for committing the terrorist attacks against these countries’ civilians.

305. These attacks involved extensive planning, recruiting, organization, training, preparation, coordination, and funding.

306. They also involved private communications between ISIS members as well as public communications to intensify the fear and intimidation that ISIS intended to inflict by these mass casualty attacks.

307. ISIS used Twitter’s services to facilitate and accomplish all of these things.

B. Recruiting and Planning

308. ISIS's French-speaking recruits from France and Belgium have plotted and carried out more terror attacks in Europe than ISIS recruits from other Western countries.⁴⁸

309. Belgium in particular has been called "the epicenter of the Islamic State's efforts to attack Europe."⁴⁹

310. In fact, by the time of the Paris Attack, Belgium was the country with the highest number per capita of recruits to travel to Syria and Iraq to join ISIS among all Western countries.⁵⁰

311. Among the most active and successful ISIS recruiting networks in Belgium were:
- a. Sharia4Belgium, founded by Antwerp-based radical Islamist Fouad Belkacem (a/k/a Abu Imran) ("Belkacem") with the inspiration and endorsement of London-based radical Islamist Anjam Choudary ("Choudary");
 - b. Resto du Tawhid, founded in Brussels by a Belgian Muslim-convert named Jean-Louis Denis ("Denis"); and
 - c. "The Zerkani Network," centered around the Molenbeek area of Brussels and operated by radical Islamist Khalid Zerkani ("Zerkani").

312. These networks were not entirely distinct from one another, as there was some overlap and coordination in their efforts.

⁴⁸ Jean-Charles Brisard and Kévin Jackson, "The Islamic State's External Operations and the French-Belgian Nexus," *CTC Sentinel*, Vol. 9, Issue 11, p. 8 (Nov./Dec. 2016), https://www.ctc.usma.edu/v2/wp-content/uploads/2016/11/CTC-Sentinel_Vol9Iss1113.pdf.

⁴⁹ Pieter Van Ostaeyen, "Belgian Radical Networks and the Road to the Brussels Attacks," *CTC Sentinel*, Vol. 9, Issue 6, p. 7 (June 2016), https://www.ctc.usma.edu/v2/wp-content/uploads/2016/06/CTC-SENTINEL_Vol9Iss613.pdf

⁵⁰ *Id.*

313. Belkacem, an admirer of Choudary, founded Sharia4Belgium after visiting Choudary in London.

314. Choudary was a founding member of an extreme Islamist organization called *al-Muhajiroun*, which held a conference in 2002 titled “The Magnificent 19,” praising *al-Qaeda*’s 9/11 Attack on the United States and was linked to multiple terror plots in Britain.

315. In 2010 Britain banned *al-Muhajiroun* under the U.K. Terrorism Act of 2000.

316. Britain also subsequently banned other groups led by Choudary, including Islam4UK, under the U.K. Terrorism Act of 2000.

317. Choudary openly supported ISIS and *jihad* through speeches and social media, especially Twitter, YouTube, and Facebook, with Twitter becoming “his main vehicle for spreading his message and reaching out to followers” after he opened an account in early 2011.⁵¹

318. After ISIS’s announcement of the Islamic caliphate in 2014, Choudary declared his allegiance to the Islamic State, and stated to the press that ISIS’s leader Abu Bakr is “the caliph of all Muslims and the prince of the believers.”⁵²

319. Choudary was arrested in September 2014, and was subsequently convicted under the U.K. Terrorism Act of 2000 for inviting support of ISIS.

320. Choudary is considered to have played a major role in recruiting more than 500 British nationals to travel to Syria and Iraq to join ISIS.

⁵¹ Steven Stalinsky and R. Sosnow, “On Twitter, British Pro-Jihad Islamist Anjem Choudary—Whose Network Is Regarded As ‘Single Biggest Gateway To Terrorism’ For European Fighters in Syria—Incites To Violence And Jihad, Calls For Conquest Of West; In Tweet, He Defends Opinion Expressed By Accused Islamist During His Trial That U.K. Is ‘A Theoretic & Practical Battlefield,’” *Middle East Research Institute (MEMRI)* (Dec. 13, 2013), <http://www.memri.org/legacy/report/7665>.

⁵² Andrew Anthony, “Anjem Choudary: the British extremist who backs the caliphate,” *The Guardian* (Sept. 7, 2014), <https://www.theguardian.com/world/2014/sep/07/anjem-choudary-islamic-state-isis>.

321. Yet despite U.K. government requests, and even after Choudary's terrorism conviction in 2016, Twitter refused to close or suspend Choudary's Twitter account.⁵³

322. Belkacem's Sharia4Belgium, founded in 2010, was modeled after Chadoury's Islam4UK.

323. Belkacem operated Sharia4Belgium as an intense Islamist activist and indoctrination center, with one of its central goals being to recruit young Muslims to travel to Syria and Iraq to join ISIS.⁵⁴

324. Denis was also active in Belkacem's Sharia4Belgium, and served as a leader of the Brussels branch of Sharia4Belgium.

325. In 2012, Denis established a food bank in Brussels called "Resto du Tawhid," which he also used to indoctrinate and recruit followers for *jihad*.

326. Denis became known as "an international reference point for people seeking to reach Syria, and had contact with groups in France and Tunisia."⁵⁵

327. Belkacem, Denis, and several of their assistants actively used Twitter to promote radical Islamist teachings and recruit followers to travel to Syria for *jihad*.

328. Denis used several Twitter accounts for daily Islamic messages for indoctrination and *jihadi* recruitment.

⁵³ "British Islamist Sheikh Anjem Choudary Convicted Of Supporting ISIS; YouTube, Twitter Refuse To Remove His Accounts—As MEMRI Has Been Calling For Since 2011," *Middle East Research Institute (MEMRI)* (Aug. 19, 2016), <https://www.memri.org/reports/british-islamist-sheikh-anjem-choudary-convicted-supporting-isis-youtube-twitter-refuse>.

⁵⁴ Ben Taub, "Journey to Jihad: Why are teen-agers joining ISIS?" *The New Yorker* (Jun. 1, 2015), <http://www.newyorker.com/magazine/2015/06/01/journey-to-jihad>.

⁵⁵ Jim Brunsten, "Belgium: Journeys to Jihad," *Financial Times* (Jun. 3, 2016), <https://www.ft.com/content/ec698aca-2745-11e6-8ba3-cdd781d02d89>.

329. Sharia4Belgium and Resto du Tawhid each used Twitter to promote *jihad* and recruit for ISIS, including by promoting YouTube channels and videos promoting ISIS and *jihad*.

330. Zerkani operated his recruitment network in the Brussels area, using petty crime to fund the recruitment of *jihadis* for ISIS.

331. Zerkani was known for providing fake documentation and thousands of Euros in cash to recruits who traveled to Syria and Iraq to join ISIS, and putting them in touch with contacts to smuggle them across the border from Turkey to Syria.

332. Zerkani's assistants and others in his network used Twitter to indoctrinate and recruit others for ISIS.

333. Denis served as a key connection between Sharia4Belgium and "The Zerkani Network."

334. Denis and his assistant Mohamed Khemir ("Khemir") often participated in meetings together with Zerkani.

335. On at least one occasion, Khemir accompanied Zerkani when they brought a French recruit to the Brussels airport to travel to Syria.

336. Each of these networks—Sharia4Belgium, Resto du Tawhid, and "The Zerkani Network"—used and relied on social media to build and maintain connections with ISIS recruits.

337. As Belgian, French, and other recruits arrived from Europe in Syria and Iraq, these recruits used social media including Twitter to recruit and influence others from their home communities and elsewhere to join ISIS as well.

338. Belkacem, Denis, and Zerkani were each arrested and convicted for recruiting terrorists for ISIS.

339. Belkacem was tried together with 44 other members of Sharia4Belgium, although only seven of his co-defendants were present at trial.

340. The remaining defendants in Belkacem's trial were tried in absentia, most presumed to still be in Syria, some possibly dead without official proof of death.

341. In early 2015, Belkacem was convicted for recruiting and sending terrorists to join ISIS in Syria and Iraq, and sentenced to twelve years imprisonment.

342. Belkacem's 44 co-defendants were also convicted of terrorism offenses, and given sentences of between three and fifteen years imprisonment (with some sentences suspended).

343. In July 2015, a Belgian criminal court convicted and sentenced Zerkani to 12 years imprisonment for recruiting for ISIS, and his sentence was extended to 15 years in April 2016 by an appeals court.

344. Zerkani was also tried together with many other co-defendants charged with terrorism offenses related to recruiting and sending young Muslims to Syria to join ISIS.

345. Twenty-eight of Zerkani's co-defendants were convicted and sentenced, although 14 of those convicted were tried in absentia because they were presumed to still be in Syria, some possibly dead with no official proof of death.

346. Denis was also tried in Belgium together with a number of co-defendants on terrorism charges.

347. Denis was convicted of recruiting for ISIS, and he was sentenced in January 2016 to ten year's imprisonment.

348. Nine of Denis's co-defendants who had travelled to Syria to join ISIS were convicted and sentenced to jail terms ranging from five to 15 years.

349. Sharia4Belgium, Resto du Tawhid, and the Zerkani Network are known for sending hundreds of ISIS recruits to Syria and Iraq, including a number of ISIS terrorists who planned and carried out the Paris and Brussels attacks at issue in this case, as well as other ISIS terrorists connected to the perpetrators and the attacks.

350. Although investigations are continuing, the following are some of the of the known connections with these networks and the terrorists.

351. ISIS terrorist Najim Laachraoui (“Laachraoui”) prepared the explosives for the suicide bombs used in the Paris Attack and carried out his own suicide bombing in the Brussels Attack.

352. Laachraoui was already involved with Sharia4Belgium in 2012.

353. Laachraoui was seen on videos together with Denis and other Sharia4Belgium members at demonstrations in 2012 in front of the Myanmar embassy in Schaerbeek, Belgium.⁵⁶

354. Laachraoui was also considered one of Zerkani’s ISIS recruits who traveled with others to Syria in 2013.

355. Laachraoui was one of the co-defendants indicted in absentia as part of the Zerkani network.⁵⁷

356. While in Syria, Laachraoui guarded prisoners for ISIS, and was known for torturing prisoners and staging mock executions before they were beheaded.⁵⁸

⁵⁶ Julien Balboni, “Najim Laachraoui se racontait sur Twitter et Facebook,” *DH.be* (May 7, 2016), <http://www.dhnet.be/actu/faits/najim-laachraoui-se-racontait-sur-twitter-et-facebook-572cc92c35702a22d7189992>.

⁵⁷ Emma Webb and Rupert Sutton, “An Enduring Threat: Europe’s Islamist Terror Networks Then and Now,” *Center for the Response to Radicalism and Terrorism (CRT)* pp. 8-9 (The Henry Jackson Society, Sep. 15, 2016), <http://henryjacksonsociety.org/2016/09/15/an-enduring-threat-europes-islamist-terror-networks-then-and-now/>; <https://relayto.com/the-henry-jackson-society/92ha8lN0>.

357. Laachraoui reportedly worked in Syria with the ISIS executioner known as “Jihadi John” and was part of ISIS leader al-Absi’s group in Syria.

358. Laachraoui’s social media accounts showed that he actively followed ISIS social media accounts.

359. In December 2012, Laachraoui opened a Twitter account (the “Laachraoui Account”), which he used to follow and communicate with others, including ISIS Twitter accounts.

360. The Laachraoui Account was still open for months after the Brussels Attack.

361. The Laachraoui Account showed that Laachraoui had connected his account to at least 41 other Twitter accounts to automatically follow those accounts.

362. A number of the Twitter accounts that Laachraoui followed and communicated with on the Laachraoui Account were ISIS-affiliated Twitter accounts that displayed the ISIS flag and insignia. Several of these accounts promoted ISIS’s extremist religious indoctrination and ideology, religious and ethnic hatred, and acts of terrorism and violence against civilians.

363. Laachraoui also used the Laachraoui Account to follow the European Organization for Nuclear Research known as CERN, as well as the French National Center for Scientific Research known as CNRS; notably, following the Brussels Attack, investigators found evidence that the ISIS terrorists involved in the Brussels Attack had taken steps to plan a possible attack on nuclear facilities in France.

364. The Laachraoui Account was similarly “followed” by a number of other ISIS-related Twitter accounts.

⁵⁸ Neil Syson and Tom Wells, “Brussels Airport bomber tortured Brits Alan Henning and David Haines in a Syrian jail before they were beheaded by Jihadi John,” *The Sun* (May 19, 2016), <https://www.thesun.co.uk/archives/news/1174565/brussels-airport-bomber-tortured-brits-alan-henning-and-david-haines-in-a-syrian-jail-before-they-were-beheaded-by-jihadi-john/>.

365. ISIS terrorist Abdelhamid Abaaoud (“Abaaoud”) is considered to have been the operational leader of the Paris Attack.

366. Abaaoud was a dual Belgian-Moroccan national born in Brussels in 1987.

367. In 2012, Abaaoud became heavily involved in the Zerkani Network, and is considered one of Zerkani’s recruits.

368. In early 2013 Abaaoud traveled to Syria to join ISIS, reportedly traveling with six other recruits from Belgium.

369. Abaaoud joined ISIS and took on the names “Abou Omar al-Soussi” and “Abu Omar al-Beljiki.”

370. Abaaoud reportedly returned to Belgium in about September 2013.

371. According to investigators, while back in Belgium, Abaaoud received a telephone call from ISIS member Mehdi Nemmouche, a French national who is the prime suspect of the May 2014 attack in which an ISIS terrorist murdered four people at a Jewish museum in Brussels.

372. Abaaoud was an active user of social media, including Twitter, Facebook, and YouTube.

373. In December 2013, Abaaoud opened a Twitter account (the “Abaaoud Account”), which he used to follow other ISIS Twitter accounts. This account remains open until today.

374. The Abaaoud Account shows that Abaaoud had connected his account to at least 14 other Twitter accounts to automatically follow those accounts.

375. A number of the Twitter accounts that Abaaoud automatically followed on the Abaaoud Account were ISIS-affiliated Twitter accounts that displayed the ISIS flag and insignia.

376. Several of the Twitter accounts that Abaaoud automatically followed promoted ISIS's extremist religious indoctrination and ideology, religious and ethnic hatred, and acts of terrorism and violence against civilians.

377. Several of the Twitter accounts that Abaaoud automatically followed were accounts of female ISIS members and recruits.

378. The Abaaoud Account was similarly "followed" by a number of other ISIS-related Twitter accounts.

379. In January 2014, Abaaoud brought his 13-year-old brother Younes out of Brussels, and the two traveled to Syria via a flight from Cologne to Istanbul.

380. In early 2014, Abaaoud posted on his Facebook page a video in which he appears as an ISIS fighter in Syria describing his role as a *jihadi*; the video also included profiles and statements by other ISIS *jihadis* and was designed to glorify *jihad* and recruit more ISIS members to come to Syria and Iraq. Upon information and belief, part or all of this video was also distributed via Twitter.

381. In October 2014, ISIS used Twitter to release a list of ISIS members who were recently killed in battle, and Abaaoud's name was included in the list. The list also included other known associates of Abaaoud. Belgian counterterrorism officials reportedly believe that Abaaoud's name was likely included in the list as a means of faking his death so he could avoid security services and travel more easily to Europe to coordinate terrorist plots.

C. ISIS vs. the United States, France, Belgium and their Allies

382. On June 29, 2014, ISIS used Twitter to release an audio message from ISIS spokesman Abu Muhammad al-Adnani ("al-Adnani") titled "This is the Promise of Allah [God]":



383. In the July 29, 2014 message, al-Adnani announced the establishment of a worldwide Islamic Caliphate with Abu Bakr as the new Caliph. Al-Adnani stated that establishing the Caliphate had become a collective obligation for all Muslims and that the Islamic world would be sinning if it did not do so. He also stated that Muslims everywhere must pledge allegiance to the Caliph, support him and obey him. Al-Adani urged ISIS's members to remain united, adding that if anyone tried to break away, the members should "split his head with bullets and empty its insides, whoever he may be."

384. On July 1, 2014, ISIS used Twitter to release an audio message from Abu Bakr titled "A Message to the Mujahidin [holy warriors] and the Islamic Ummah [Nation] in the [Muslim] Month of Ramadan":



385. In his July 1, 2014 audio message, Abu Bakr called upon all Muslims to take up arms, engage in *jihad*, and emigrate to the new Caliphate. He further urged Muslims to

“[s]upport the religion of Allah through *jihad* in the path of Allah” and “[t]errify the enemies of Allah and seek death in the places where you expect to find it.”

386. On September 21, 2014, ISIS used Twitter to release a new audio message from al-Adnani titled “Verily Your Lord is Ever Watchful”:



387. In his September 21, 2014 message, al-Adnani urged ISIS supporters worldwide to perform terrorist attacks against countries that participated in fighting against ISIS, and in particular, against the United States, France, and other European nations. The following are translated excerpts from this message:

“[To the U.S. and its allies:] We promise you that this campaign will be your last and it will collapse and fail, just as all your other campaigns collapsed. But this time, when the war ends we will be the ones to invade your countries, whereas you will no longer invade [ours]. We will invade your Rome, break your Cross and enslave your women, with Allah’s help. This is His promise and he will not break it until it is realized. And if we do not achieve this, our sons or grandsons will, and they will sell your sons and grandsons as slaves.

...

[To American and Europeans:] The Islamic State did not launch a war against you, as your lying governments and your media claim. You are the ones who initiated hostilities against us, and the [side] that initiates hostilities is the evil one. You will pay [for it] dearly when your economies collapse. You will pay dearly when your sons are sent to fight us and return crippled and damaged, in coffins or as lunatics. You will pay when each of you feels afraid to travel abroad. You will pay when you walk the streets in trepidation, for fear of Muslims. You will not be safe in your own beds. You will pay the price when your Crusader war fails, and then we invade the very heart of your countries.

...

[To Muslims:] O monotheist, don't sit out this war, wherever you may be. [Attack] the tyrants' soldiers, their police and security forces, their intelligence [forces] and collaborators. Cause them to lose sleep, make their lives miserable, and cause them to be preoccupied with their own [problems]. If you are able to kill an American or European infidel – particularly any of the hostile, impure Frenchmen – or an Australian or a Canadian, or any [other] infidel enemy from the countries that have banded against the Islamic State, then put your trust in Allah and kill him, by any way or means. Do not consult anyone and do not seek a *fatwa* [religious ruling] from anyone. It is immaterial if the infidel is a combatant or a civilian. Their sentence is one; they are both infidels, both enemies. The blood of both is permitted . . . The best thing to do would be to kill any French or American infidel or any of their allies . . . If you cannot [detonate] a bomb or [fire] a bullet, arrange to meet alone with a French or an American infidel and bash his skull in with a rock, slaughter him with a knife, run him over with your car, throw him off a cliff, strangle him, or inject him with poison. Don't stand by, helpless and abject . . . If you are incapable even of this – then spit in his face. And if you refuse [to do] this while your brothers are being bombed and killed and their lives and property are under attack everywhere, then examine your faith. This is a serious matter you face, for the Islamic faith is predicated upon the principle of loyalty to Muslims and hostility toward infidels.”⁵⁹

388. On October 14, 2014, ISIS used Twitter to release a video message, titled “Message of the Mujahid 3,” even directing one of the tweets directly to French President Hollande:

⁵⁹ See “Responding To U.S.-Led Campaign, IS Spokesman Calls To Kill Westerners, Including Civilians, By Any Means Possible,” *The Middle East Research Institute (MEMRI)* (Sept. 22, 2014), http://www.memrijtm.org/content/view_print/blog/7825.



389. The Message of the Mujahid 3 video was directed to the people of France, and featured a French-speaking member of ISIS in the driver's seat of a car with a rifle threatening France with terrorist attacks and calling upon Muslims to carry out attacks:



390. The following is a translation of excerpts from the French-speaker's statement in the Message of the Mujahid 3 video:

“We will give a message to France over the bombing in Iraq and Syria. We have warned, you are at war against the Islamic State. We are people to whom the victory will be assured with the help God. Now you have been warned.

...

You have so many murders and killings as did our dear brother Mohamed Merah. You were afraid of a brother, there will be thousands in the future.

...

This is a message to all Muslims of France. Enjoy and see what happens in the world. They gathered against us. Why, because we are defending Islam and because we want to apply the law of Allah. . . . You say that we're the criminals. But they're the cowards who drop bombs in their sky. We will take revenge for all the brothers and all the civilians who were killed.

...

You will not be safe anywhere in France or in other countries. We will make appeals to all brothers who live in France to kill any civilian. You will never be safe. All murders you committed, you will regret it.”

391. On November 19, 2014, ISIS used Twitter to release a video produced by ISIS’s *al-Hayat* Media titled, “What are you waiting for?” in which French ISIS fighters are shown burning their French passports, and they call upon recruits to either join them in Iraq and Syria or to carry out terror attacks in France.

392. Prior to the November 2015 Paris Attack, ISIS carried out and attempted several smaller-scale terror attacks in Belgium and France in which Abaaoud was involved.

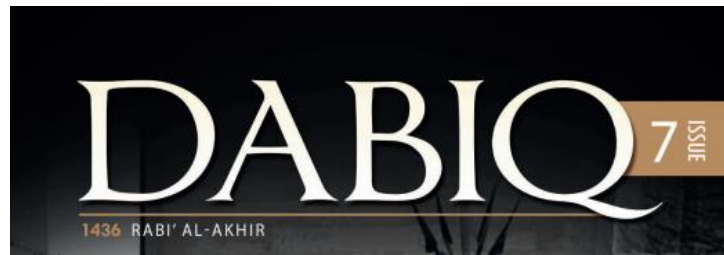
393. For example, on January 15, 2015, Belgian commandos thwarted an ISIS terrorist plot (the “Verviers Plot”) when they raided a safe house in Verviers, Belgium, killing Belgian ISIS terrorists Sofiane Amghar (“Amghar”) and Khalid Ben Larbi (“Larbi”), and arresting a third conspirator.

394. In the safe house, police found AK-47 assault rifles, components of the explosive TATP, GoPro cameras, and police uniforms.

395. Officials reported that the Verviers Plot had included a planned beheading of a police officer that was to be filmed.

396. Police investigators determined that Abaaoud had been in contact with the three Verviers terrorists via cellphone in Greece at the time of the raid, and was involved in the Verviers Plot.

397. In February 2015, ISIS used Twitter to release the seventh issue of its online English-language magazine *Dabiq*:



398. ISIS's *Dabiq* Issue 7 featured an interview of Abaaoud, and included a photograph of Abaaoud (a/k/a Abu Umar al-Baljiki) walking with Amghar (a/k/a Abu Khalid al-Baljiki) and Larbi (a/k/a Abuz-Zubayr al-Baljiki), the ISIS terrorists who were supposed to carry out the Verviers Plot but who were killed in the Verviers raid:



399. In the *Dabiq* Issue 7 interview, Abaaoud insinuated that he had been in Belgium himself, stating: “I was able to leave and come to *Sham* [Syria] despite being chased after by so many intelligence agencies. My name and picture were all over the news yet I was able to stay in their homeland, plan operations against them, and leave safely when doing so became necessary.”

400. On February 11, 2015, ISIS used Twitter to release its second issue of its online French-language magazine *Dar al-Islam*, with the cover-line “May Allah [God] Curse France”:



401. ISIS’s *Dar al-Islam* online French-language magazine is dedicated to recruiting French-speaking members for ISIS and promoting attacks against France and other western countries.

402. *Dar al-Islam* Issue 2 was released shortly after a series of Islamist terrorist attacks in Paris had taken place from January 7-9, 2015. In one attack, two “*al-Qaeda* in the Arabian Peninsula” (“AQAP”) terrorists shot and killed 11 civilians and a police officer and wounded 11 others in a shooting attack at the office of the *Charlie Hebdo* satire magazine. Immediately afterward, ISIS terrorist Amedy Coulibaly (“Coulibaly”) shot and killed a police officer and a jogger, and then killed four Jewish shoppers and took others hostage at a Hypercacher kosher supermarket.

403. *Dar al-Islam* Issue 2 praised and justified these attacks, and featured pictures of Coulibaly and an interview of his wife, Hayat Boumeddiene.

404. The issue also called for more terrorist attacks against France and other western countries. One article in this issue included the following statement:

The disbeliever states have understood the consequences of the return of the Caliphate: the end of the domination by the Jews, the Crusaders and their allies. Every sincere Muslim must migrate to one of the regions of the Islamic State, the land of Islam, and leave the land of disbelief led by the worst *tawaghit* [tyrants] of this world, who constantly war against our community. The time has come for the believers to go forth, to recover the land, and not to let these tyrants rest for one second. . . . France needs to mourn its dead as we mourn our own; may they see the blood of their own people flow like we see that of our own.

405. In June 2015, French police took an ISIS recruit named Nicholas Moreau (“Moreau”) into custody after he was deported from Turkey.

406. Under interrogation, Moreau told the police that Abaaoud was “the principal commander of future attacks in Europe,” and had been given the task by ISIS of examining the background of potential recruits for those attacks.⁶⁰

407. After arresting Moreau, French police arrested another ISIS recruit in 2015 named Reda Hame (“Hame”) before he was able to carry out a planned terrorist attack.

408. During his interrogation on August 13, 2015, Hame told the police that in June 2015 Abaaoud had given Hame hands-on training in a park in Raqqa on the use of Kalashnikov assault rifles and grenades.

409. Hame told police that Abaaoud directed him to choose “an easy target, like a group of people, a concert for example, where there is a crowd,” and instructed Hame that after carrying out the attack, he should wait for police to arrive and “die while killing the hostages.”

410. Hame said that Abaaoud told him that “if lots of civilians were hit, the foreign policy of France would change.”

⁶⁰ Paul Cruickshank, “The inside story of the Paris and Brussels attacks,” *CNN* (Mar. 30, 2016), <http://edition.cnn.com/2016/03/30/europe/inside-paris-brussels-terror-attacks/index.html>.

411. Asked by police whether he was aware of any pending attacks, Hame replied: “All I can tell you is that it’s going to happen soon. It’s a veritable factory over there – they are really looking to hit France or Europe.”⁶¹

D. The Team of ISIS Terrorists Gather in Preparation of the Attack

412. To date, at least the following twelve ISIS terrorists have been identified as being directly involved in the Paris Attacks:

- a. Abdelhamid Abaaoud (a Belgian national);
- b. Brahim Abdeslam (a Belgian national);
- c. Chakib Akrouh (a Belgian national);
- d. Bilal Hadfi (a French citizen who lived in Belgium);
- e. Ahmed al-Mohamed (believed to be an Iraqi);
- f. M. al-Mahmod (believed to be an Iraqi);
- g. Omar Ismail Mostefai (a French national);
- h. Sami Amimour (a French citizen);
- i. Foued Mohammed Aggad (a French national);
- j. Salah Abdeslam (a Belgian-born French national);
- k. Mohamed Belkaid (believed to be Algerian); and
- l. Najim Laachraoui (a Moroccan-born resident of Belgium).

413. By the end of September 2015, Abaaoud had again slipped back into Europe.

414. In early September 2015, ISIS terrorist Salah Abdeslam (“Abdeslam”) (a childhood friend of Abaaoud) traveled to Hungary to pick up Laachraoui and another ISIS member, Mohammed Belkaid (“Belkaid”), who had arrived from Syria using fake identities.

⁶¹ *Id.*

415. On September 9, 2015, Abdeslam, driving a rented Mercedes, was checked by authorities at the Hungarian-Austrian border on his way back to Belgium with Belkaid and Laachraoui.

416. Belkaid and Laachraoui were ISIS members who would remain in Belgium and communicate with the attackers via cellphone, apparently to coordinate the attacks.

417. Laachraoui was also the bomb-maker who prepared the TATP explosive suicide-belts that were worn and used by the ISIS terrorists who would execute the Paris Attack.

418. On October 3, 2015, two Iraqi ISIS members arrived at the Greek island of Leros on a boat with nearly 200 migrants.

419. Using fake Syrian passports, the two Iraqis registered as refugees, took a ferry to Athens, and then traveled through the Balkans, Hungary, and Austria to meet the other ISIS conspirators in Belgium.

420. From approximately early September 2015 until shortly before the Paris Attack, the ISIS conspirators of the Paris Attack gathered in three safe houses in Belgium, including a large villa rented by Laachraoui.

421. Between November 11 and November 13, 2015, the ISIS members who were to execute the Paris Attack moved from Belgium to Paris, where they divided themselves between two locations: a hotel and a rented house.

E. The Paris Attack

422. On the night of November 13, 2015, the ISIS terrorists in Paris split into three groups: one group set out in a black Renault Clio driven by Abdeslam, with Hadfi and the two Iraqis (the three “Stadium Attackers”) as passengers; a second group travelled in a black Seat Leon driven by Abaaoud, with Brahim and Akrouh as passengers (the three “Café Attackers”);

and the third group consisting of Mostefai, Amimour, and Agged (the three “Bataclan Attackers”) rode in a black Volkswagen Polo.

423. Shortly before 9:00 p.m., Abdeslam dropped the Stadium Attackers off outside the Stade de France (the “National Stadium”) in Paris, and then drove away.

424. French President Francois Hollande was at the National Stadium at the time.

425. Beginning at about 9:05 p.m., a security guard at Gate R blocked one of the Iraqis four times trying to sneak into the stadium.

426. At about 9:20 p.m., one of the Iraqi suicide bombers (with a fake Syrian passport in the name Ahmad al Mohammad) blew himself up outside Gate D, killing one other person. Hadfi was on the phone with Abaaoud at the time.

427. At about 9:20 p.m., Abaaoud was driving a black Seat Leon with Brahim and Akrouh as passengers on the Rue Bichat towards Paris’s café district.

428. At about 9:25 p.m., a car blocked Abaaoud’s path on Rue Bichat. Five shots were fired from the Seat Leon, killing the driver of the blocking car.

429. Abaaoud then stopped the car in the middle of the road and turned on the hazard lights. Abaaoud, Brahim, and Akrouh got out of the car shouting “Allahu Akbar” and, using Kalashnikov AK-47 assault rifles, they opened fire on people at the Petit Cambodge Cambodian restaurant on Rue Bichat and the La Carillon bar on the other side of the road, killing 13 people.

430. The three terrorists got back into the black Seat Leon car and drove on.

431. At about 9:30 p.m., the second Iraqi suicide bomber exploded outside Gate H at the national stadium. Fortunately, no one besides the bomber was killed.

432. At about 9:32 p.m., the black Seat Leon stopped again. Abaaoud, Brahim, and Akrouh got out of the car and, shouting “Allahu Akbar,” they opened fire at patrons at the Casa

Nostra pizzeria and Bonne Biere café near the Place de la Republique square. This time they murdered five people, before jumping back into the car.

433. At about 9:36 p.m., Abaaoud, Brahim, and Akrouh opened fire at the La Belle Equipe café on Rue de Charrone, killing 19 people, including 23-year-old Nohemi Gonzalez, an American student in Paris on a study-abroad program. Most of those who were murdered at this café were sitting on the outdoor terraces. A witness reported that the three terrorists did not speak to each other as they calmly sprayed bullets at the cafés and at cars travelling down the road.

434. The black Seat Leon then sped to a new location.

435. At about 9:40 p.m., Abaaoud dropped off Brahim, who was wearing a hooded jacket over several layers of clothing, at the Comptoir Voltaire café. Brahim entered the covered interior terrace of the café, smiled at the patrons, apologized for interrupting their dinner, and blew himself up.

436. Abaaoud and Akrouh next drove toward the Montreuil suburb of Paris, where they abandoned the black Seat Leon car.

437. At about 9:40 p.m., Mostefai, Amimour, and Agged, driving a black Volkswagen Polo, pulled up in front of the Bataclan Theatre concert hall in Paris and parked the car.

438. At about 9:42 p.m., one of the three terrorists in the black Volkswagen Polo sent a text message on a Samsung smartphone to a cellphone in Brussels: “We’re getting going; we’re starting.” He then tossed the phone into a trash can near the entrance of the concert hall.

439. Police recovered the Samsung smartphone from the trash can after the Paris Attack, and determined that the text message was received in Brussels on a cell phone used by Belkaid. Police also determined that a second cellphone in Brussels, used by either Belkaid or Laachraoui, was also communicating with Hadfi and Abaaoud during the Paris Attack.

440. The three Bataclan attackers first killed three people outside the concert hall, then went in and moved to the concert floor, shooting people and shouting “Allahu Akbar.” As one terrorist fired his weapon, another reloaded so they could kill as many as possible. The third terrorist stood at the emergency exit and attacked people who attempted to escape.

441. The terrorists spoke French, telling the wounded on the floor: “Anybody who moves, I’m going to kill.”

442. At about 9:50 p.m., Hadfi, the third national stadium suicide bomber, exploded next to a McDonald’s restaurant nearby the stadium, injuring more than 50 people.

443. After the Bataclan attackers’ initial wave of killing, they briefly stopped and were heard to say: “Where is the singer? Where are those Yanks? It’s an American group, you’re bombing us with the Americans, so we’re going to hit the Americans and you.”

444. The Bataclan terrorists told those on the floor that they had been dispatched from Syria by ISIS to carry out the attack to avenge French airstrikes in Iraq and Syria.

445. At about 10:00 p.m., two French police officers arrived at the Bataclan hall and shot Amimour. As Amimour fell to the floor, he detonated his suicide vest.

446. Mostefai and Agged took some of the surviving concert-goers and herded them into a corridor inside the Bataclan building to hold as hostages.

447. At about 10:45 p.m., French “RAID” commandos arrived and began communicating with Mostefai and Agged. The two terrorists in the Bataclan threatened to execute their hostages unless they received a signed paper promising that France would leave Muslim lands.

448. In the meantime, Abaaoud had taken the metro back into Paris to coordinate the Bataclan attack. He was seen by a witness outside the concert hall yelling orders into a hands-free cellphone.

449. Just after midnight, the RAID commandos stormed the concert hall, rescuing the hostages alive. Mostefai and Agged were both shot by police, and at least one of them managed to detonate his suicide vest.

450. By the end of the Paris Attack, the ISIS terrorists had murdered 130 people and injured nearly 400.

451. Seven of the ten ISIS terrorist attackers were dead, leaving only Abaaoud, Akrouh, and Abdeslam alive.

452. The Paris Attack was the deadliest attack on France since World War II and the deadliest in the European Union since the Madrid train bombings in 2004.

F. The Aftermath of the Paris Attacks

453. Abaaoud and Akrouh remained in Paris that night, where they made a makeshift camp in a small wooded area near a highway overpass.

454. With assistance from Belkaid and Laachraoui in Brussels, Abaaoud's female cousin Hasna ait Boulahcen ("Boulahcen") was guided via cellphone to the wooded hiding place of Abaaoud and Akrouh, where she met with them on November 15, 2015.

455. On the evening of November 17, 2015, Boulahcen picked up Abaaoud and Akrouh and took them to a safe-house in Saint-Denis. However, the French police had received a tip about Boulahcen's contact with Abaaoud and Akrouh from a confidential informant.

456. In the early hours of November 18, 2015, French RAID commandos moved against the Saint-Denis safe-house where Abaaoud, Akrouh, and Boulahcen were now located.

The resulting firefight was so intense that a ceiling caved in. Akrouh detonated his suicide belt and Akrouh, Abaaoud, and Boulahcen were all killed.

457. Meanwhile, Abdeslam was still at large.

G. The Brussels Attack

458. After dropping Hadfi and the two Iraqi suicide bombers at the national stadium to begin the attack on November 13, 2015, Abdeslam had driven away to the 18th district of Paris, where he abandoned his Renault Clio rental car, and he then made his way to the southern suburb of Montrouge, where he threw his own suicide belt into a trash can. At about 11:00 p.m. that night, he called a friend from Brussels to pick him up and take him back to Belgium.

459. After returning to Belgium, Abdeslam met up with Belkaid and the two ISIS members moved to another safe-house in Brussels.

460. On March 15, 2016, police approached the safe-house and three terrorists opened fire. As Belkaid continued to fire at police, Abdeslam and the third terrorist escaped. Belkaid was killed by a police sniper. Inside the safe-house police found a Kalashnikov assault rifle, ammunition, an ISIS flag, and detonators.

461. Three days later, on March 18, 2016, Abdeslam was located and arrested in Molenbeek, Belgium.

462. ISIS had been planning to carry out another large-scale terrorist attack in France, but with the death of Belkaid and the arrest of Abdeslam and concern that investigators may intervene, the ISIS commanders decided to accelerate the timing of an attack and to carry it out in Brussels instead.

463. ISIS leaders believed to have been involved in planning and directing the Paris and Brussels attacks include, among others, Abdelilah Himich (a/k/a “Abo Souleymane”),

French converts Jean Michel and Fabian Clain, French national Salim Benghalem, and another individual known as “Abu Ahmad.”

464. Shortly before 8:00 a.m. on Tuesday, March 22, 2016, three ISIS terrorists exited a taxi at the Zaventem Airport in Brussels, Belgium. The three were Laachraoui (the Paris Attack bomb-maker), Ibrahim el Bakraoui (“Bakraoui”), and Mohamed Abrini (“Abrini”), another childhood friend of Abdeslam.

465. The three ISIS terrorists entered the airport pushing luggage carts with large luggage bags packed with explosives, nails and screws, on their carts.

466. At approximately 7:58 a.m., Bakraoui detonated his bomb near check-in row 11 in the Departures Hall of the airport, which had counters for Delta Airlines.

467. About ten seconds later, Laachraoui detonated his bomb near check-in row 2, which had counters for Air Canada, among other airlines.

468. The third terrorist at the airport, Abrini, abandoned his bomb and fled the airport; he was later identified wearing a light-colored jacket and a hat in a surveillance video that recorded the three terrorists entering the airport pushing the luggage carts.

469. At about 9:10 a.m., during the height of the morning rush, another ISIS terrorist, Khalid el Bakraoui (“Khalid”) (Bakraoui’s brother), carried out another suicide bombing in the second car of a train at the Maelbeek subway station in downtown Brussels; the subway station is near many European Union buildings, including the European Parliament, the European Commission headquarters, and the Council of the European Union.

470. Besides the three suicide bombers, the Brussels attacks killed 33 people and injured more than 300 others, many critically.

471. Among those killed in the suicide bombings at the Brussels airport was decedent Alexander Pinczowski and his sister Sascha.

472. Abrini was subsequently arrested on April 8, 2016, and he admitted to being the terrorist seen wearing a hat in the airport surveillance video from the morning of the attack.

H. ISIS Tweets the Paris and Brussels Attacks

473. According to reports, at least four ISIS-linked social media accounts began sharing messages 72 hours before the Paris Attack that included images of weapons, the Eiffel tower, and statements saying “God bless you in your mission” and “Support the deployment.”⁶²

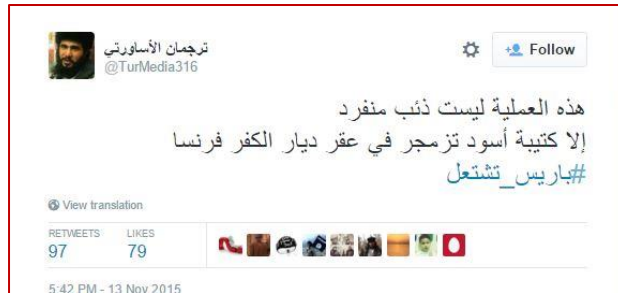
474. After the Paris Attack, military intelligence saw these posts as evidence that the terrorists had gone operational.⁶³

475. Just prior to and during the Paris Attack, ISIS-related Twitter accounts posted messages warning and praising the attack, using hashtags (often in Arabic) including: #paris_ignites; #parisinflames; #paris; and @franceisonfire.

476. For example, the ISIS-affiliated Twitter account @TurMedia316 posted the following message on the afternoon of the attack, which can be translated as, “O crusaders we are coming to you with bombs and rifles, wait for us #paris_ignites”:

⁶² Catherine Herridge, “72 hours before Paris attacks, ISIS-linked social media account reveals ‘God bless you in your mission,’” *CNN* (Nov. 15, 2015), <http://www.foxnews.com/world/2015/11/15/72-hours-before-paris-attacks-isis-linked-social-media-account-reveals-god-1219447939.html>.

⁶³ *Id.*



477. The following are additional examples of an ISIS-related Twitter account messages sent during the Paris Attack:



478. On November 14, 2015, ISIS used Twitter to release a written statement in several languages (including Arabic, French, and English) titled “A Statement on the Blessed Onslaught in Paris against the Crusader Nation of France,” in which ISIS claimed responsibility for the Paris Attack:

بيان عن غزوة باريس المباركة على فرنسا الصليبية

عاجل

٢ صفر ١٤٣٧ هـ فرنسا

BREAKING NEWS

A Statement on the Blessed Onslaught in Paris against the Crusader Nation of France

FRANCE 2 Safar 1437

بسم الله الرحمن الرحيم

قال تعالى: {وَمَا ظَنُّوا أَنَّهُمْ مُبْعَثُهُمْ خُضُوعُهُمْ مِّنَ اللَّهِ فَاتَّاهُمُ اللَّهُ مِنْ خِيْثٍ لَّمْ يَحْتَسِبُوا وَقَدَفَ فِي قُلُوبِهِمُ الرُّغْبَ يُخْرِبُونَ بُيُوتَهُمْ بِأَيْدِيهِمْ وَأَيْدِي الْمُؤْمِنِينَ فَاعْتَبِرُوا يَا أُولِيَ الْأَبْصَارِ}.

في غزوة مباركة يشر الله لها أسباب التوفيق، انطلقت ثلة مؤمنة من جند الخلافة أعزها الله ونصرها، مستهدفين عاصمة العهر والرذيلة، وحاملة لواء الصليب في أوروبا (باريس)، فتية طلقوا الدنيا وأقدموا على عدوهم يبتغون القتل في سبيل الله نصرة لدينه ونييه صلى الله عليه وسلم وأوليائه، وإرغاماً لأنف أعدائه، فصدقوا الله نحسبهم كذلك، ففتح الله على أيديهم وألقى في قلوب الصليبيين الرعب يعقر دارهم.

حيث قام ثمانية إخوة ملتحمين أحزمة ناسفة وبنادق رشاشة باستهداف مواقع منتخبة بدقة في قلب عاصمة فرنسا، منها ملعب (دي فرانس) أثناء مباراة فريق ألمانيا وفرنسا الصليبيين حيث كان معتوه فرنسا (فرانسوا أولاند) حاضراً، ومركز (باتاكلون) للمؤتمرات حيث تجمع المئات من المشركين في حفلة عهر فاجرة، وأهدافاً أخرى في المنطقة العاشرة والحادية عشر والثامنة عشر وبصورة متزامنة، فتزلزلت باريس تحت أقدامهم، وضافت عليهم شوارعها، وكانت محضلة الهجمات هلاك ما لا يقل عن مائتي صليبي وإصابة أكثر من ذلك والله الحمد والمنة والفضل.

وقد من الله على إخواننا ورزقهم ما يحبون ففجروا أحزمتهم في جموع الكفار بعد نفاذ ذخيرتهم، نسال الله أن يتقبلهم في الشهداء ويلحقنا بهم.

ولتعلم فرنسا ومن يسير على دربها أنهم سيبقون على رأس قائمة أهداف الدولة الإسلامية، وأن رائحة الموت لن تفارق أنوفهم ما داموا قد تصدروا ركب الحملة الصليبية، وتجروا على سب نبينا صلى الله عليه وسلم، وتفاخروا بحرب الإسلام في فرنسا، وضرب المسلمين في أرض الخلافة بطائراتهم التي لم تغن عنهم شيئاً في شوارع باريس وأرقتها التتنة، وإن هذه الغزوة أول الغيث وإنذار لمن أراد أن يعتبر.

والله أكبر

{وَلِلَّهِ الْعِزَّةُ وَلِرَسُولِهِ وَلِلْمُؤْمِنِينَ وَلَكِنَّ الْمُنَافِقِينَ لَا يَعْلَمُونَ}

In the Name of Allah, the Most Merciful, the Most Beneficent

Allah (ta'ala) said, {They thought that their fortresses would protect them from Allah; but Allah came upon them from where they had not expected, and He cast terror into their hearts so they destroyed their houses by their own hands and the hands of the believers. So take warning, O people of vision} [Al-Hashr: 2].

In a blessed battle whose causes of success were enabled by Allah, a group of believers from the soldiers of the Caliphate (may Allah strengthen and support it) set out targeting the capital of prostitution and vice, the lead carrier of the cross in Europe – Paris. This group of believers were youth who divorced the worldly life and advanced towards their enemy hoping to be killed for Allah's sake, doing so in support of His religion, His Prophet (blessings and peace be upon him), and His allies. They did so in spite of His enemies. Thus, they were truthful with Allah – we consider them so – and Allah granted victory upon their hands and cast terror into the hearts of the crusaders in their very own homeland.

And so eight brothers equipped with explosive belts and assault rifles attacked precisely chosen targets in the center of the capital of France. These targets included the Stade de France stadium during a soccer match – between the teams of Germany and France, both of which are crusader nations – attended by the imbecile of France (Francois Hollande). The targets included the Bataclan theatre for exhibitions, where hundreds of pagans gathered for a concert of prostitution and vice. There were also simultaneous attacks on other targets in the tenth, eleventh, and eighteenth districts, and elsewhere. Paris was thereby shaken beneath the crusaders' feet, who were constricted by its streets. The result of the attacks was the deaths of no less than two hundred crusaders and the wounding of even more. All praise, grace, and favor belong to Allah.

Allah blessed our brothers and granted them what they desired. They detonated their explosive belts in the masses of the disbelievers after finishing all their ammunition. We ask Allah to accept them amongst the martyrs and to allow us to follow them.

Let France and all nations following its path know that they will continue to be at the top of the target list for the Islamic State and that the scent of death will not leave their nostrils as long as they partake in the crusader campaign, as long as they dare to curse our Prophet (blessings and peace be upon him), and as long as they boast about their war against Islam in France and their strikes against Muslims in the lands of the Caliphate with their jets, which were of no avail to them in the filthy streets and alleys of Paris. Indeed, this is just the beginning. It is also a warning for any who wish to take heed.

Allah is the greatest.

{And to Allah belongs all honor, and to His Messenger, and to the believers, but the hypocrites do not know} [Al-Munafiqun: 8].

479. On November 14, 2015, ISIS used Twitter to release an audio message again claiming responsibility for the Paris Attack. The voice of the ISIS representative who spoke in the audio message was identified as ISIS member Fabian Clain.

480. On November 17, 2015, ISIS used Twitter to release a video message in French titled “Fight Them: With Your Hands Allah Will Punish Them.” The video featured four French-speaking ISIS members praising and justifying the Paris Attack, and threatening additional attacks.

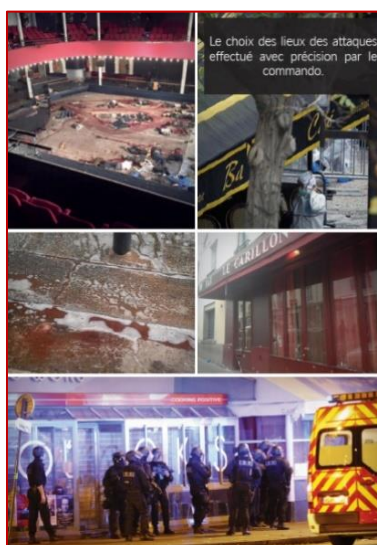
481. On November 18, 2015, ISIS used Twitter to release another video message titled “What’s Coming Will Be Even Worse.” The video featured three French-speaking ISIS members praising the Paris Attack and threatening additional attacks.

482. On November 18, 2015, ISIS used Twitter to release another video message titled “And our soldiers will prevail.” The video included a *jihadi* song in French titled “Go Forth, Go Forth,” which called for attacks against ISIS’s enemies. The video praised the Paris Attack and threatened additional attacks.

483. On November 18, 2015, ISIS used Twitter to release the twelfth issue of its online English-language magazine *Dabiq*, which featured the Paris Attack on its cover:



484. On November 30, 2015, ISIS used Twitter to release the seventh issue of its online French-language magazine *Dar al-Islam* titled “France at its knees,” which praised the Paris Attack, and included a graphic multi-page photo montage of the attack:



485. On January 24, 2016, ISIS's official *al-Hayat* Media Center used Twitter to release a video titled, "Kill Them Wherever You Find Them," featuring the Paris attackers (the "Paris Attackers Video"):



486. The Paris Attackers Video was in French and Arabic, and was distributed via Twitter in versions with Arabic and English subtitles. The video featured video messages from the nine ISIS terrorists (now dead) who carried out the November 13, 2015 Paris Attack, and they recorded the messages in anticipation of the attack, to be released by ISIS after their deaths.

487. The Paris Attackers Video opens with an encrypted message, and then the following written message appears on the screen:

"The following are the final messages of the nine lions of the Caliphate who were sent forth from their dens to bring an entire country – France – to her knees. They raised the word of *tawhid* [monotheism] and lived the verses of the Koran by killing the infidels wherever they found them. And they continued to do so until their thirst for success was quenched with nothing other than their own blood."

488. The Paris Attackers Video next shows news footage from the Paris Attack, and includes a song with the following lyrics in French:

"Charronees, Bichat, Voltaire [names of Paris streets where attacks occurred] / my Kalashnikov is loaded / the civilians are unarmed / I am annihilating Frenchmen / It is [French Prime Minister] Valls who should be thanked . . . It is

only for the sake of Allah that have we made this choice / killing with hearts full of joy / we will kill you without mercy . . .”

489. The first attacker to appear in the Paris Attackers Video is Abaaoud (a/k/a Abu Umar al-Baljiki), who speaks in French in front of an ISIS flag, a handgun, and an assault rifle:



490. After Abaaoud, the Paris Attackers Video shows seven of the attackers in succession, dressed in identical battle fatigues, each delivering a message and then executing a captive. Five of these seven terrorists, Amimour (a/k/a Abu Qital al-Faransi), Agged (a/k/a Abu Fu'ad al-Faransi), Hadfi (a/k/a Abu Mujaed al-Baljiki), Akrouh (a/k/a Dhul-Qarayn al-Baljiki), and Mostefai (a/k/a Abu Rayyan al-Faransi), are shown executing captives by beheading them with a knife. The other two attackers, Iraqi ISIS members identified as Ukash al-Iraqi and Ali al-Iraqi, make a joint statement in Arabic, and are shown executing captives by shooting them in the back of the head.

491. Lastly, the ninth attacker in the Paris Attackers Video is Abaaoud's brother, Brahim, who is shown in a different setting performing target practice, but he does not give a statement or execute a prisoner in the video.

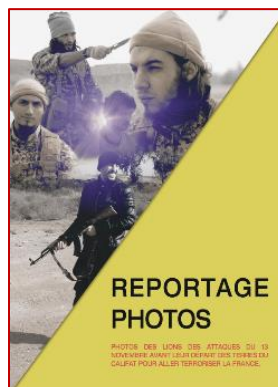
492. On February 6, 2016, ISIS used Twitter to release the eighth issue of its online French-language magazine *Dar al-Islam*, with Abaaoud's picture on the cover:



493. ISIS's *Dar al-Islam* Issue 8 was predominately dedicated to the Paris Attack. This issue included an editorial on the attack, as well as testaments of three of the Paris attackers: Abaaoud (a/k/a Abu Umar al-Baljiki); Mostefai (a/k/a Abu Rayyan al-Faransi); and Hadfi (a/k/a Abu Mujahid al-Baljiki):



494. The issue also included a graphic multi-page photo montage of the attackers preparing for the attack:



495. On March 22, 2016, the morning of the Brussels attacks, ISIS followers used Twitter to broadcast messages praising the attacks using the hashtag “#Brussels” the Arabic hashtag “#BattleOf_Brussels,” and others.

496. ISIS also used Twitter to claim responsibility for the Brussels attacks, including by disseminating the following notice in Arabic, French, and English:



497. ISIS also used Twitter to release several videos praising the Brussels attacks.

498. For example, ISIS used Twitter to distribute a video titled, “The Exile of Islam and Brussels Attacks”:



499. The “Exile of Islam” video is more than nine minutes long; it shows scenes from the bombings at the Brussels airport and Maelbeek metro station, and a narrator states: “The Crusader jets—including the Belgians—are still bombing the Muslims in Iraq and Levant in the day and the night, killing children, women, old and destroying mosques and schools.”

500. The “Exile of Islam” video also uses an image of Donald Trump and a statement he made in response to the attacks, as well as a jihadi song with the lyrics: “Brothers rise up! Claim your victory! Haha! Let’s go for Jihad!”:



501. ISIS also used Twitter to distribute a video praising the Brussels attacks titled, “And What is to Come Will Be More Devastating and Bitter,” which included a statement by ISIS leader Abou ‘Umar Al-Muhajir stating that ISIS has soldiers everywhere, and as long as the infidels continue to bomb ISIS, they will continue to come and kill more infidels:



502. ISIS also used Twitter to distribute video praising the Brussels attacks titled, “An Appropriate Recompense,” that tied the Brussels attacks to the November 2015 Paris attacks, and featured two Belgian ISIS fighters warning of more attacks:



503. ISIS also used Twitter to distribute another video praising the Brussels attacks titled, “And Cast Terror Into Their Hearts,” featuring Belgian ISIS leader Hicham Chaib (“Chaib”), also known as Abu Hanifa Al-Baljiki, calling the attacks a natural reaction to Belgium’s attacks on Muslims and Islam, and warning that ISIS will continue targeting its enemies on their own soil if the war against it continues:

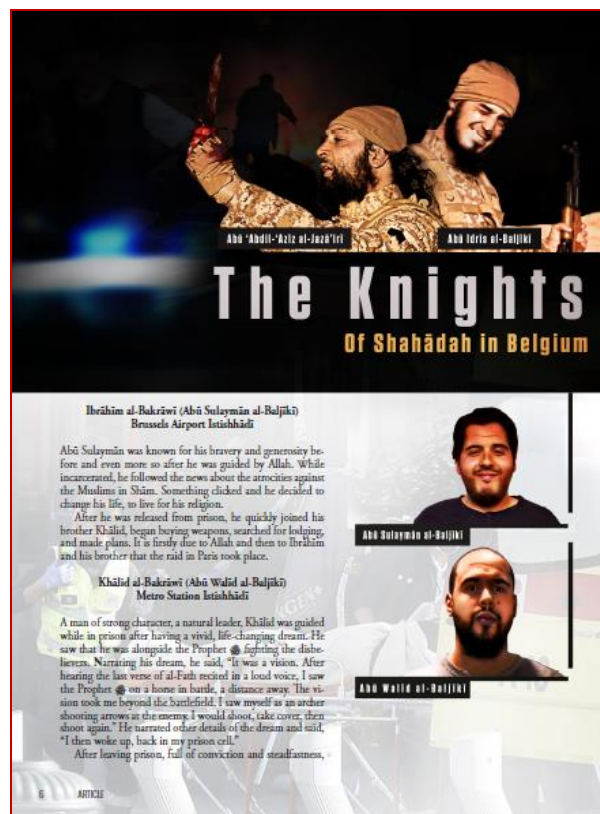


504. Chaib had served as a leader of Sharia4Belgium after Fouad Belkacem's arrest, appearing in Sharia4Belgium and other ISIS videos distributed via Twitter.

505. On April 13, 2016, ISIS used Twitter to release the fourteenth issue of its online English-language magazine *Dabiq*:



506. ISIS's *Dabiq* Issue 14 praised the Brussels Attack and presented profiles of the three ISIS suicide terrorists who carried it out: Laachraoui (a/k/a Abu Idriss al-Baljiki); Bakraoui (a/k/a Abu Sulayman al-Baljiki); and Khalid (a/k/a Abu Walid al-Baljiki). The issue credited Laachraoui for preparing the explosives for both the Paris Attack and the Brussels Attack. The issue also presented a profile of Belkaid (a/k/a Abu Abdil-Aziz al-Jaza'iri), noted that he had been killed in a shootout that enabled his comrades to escape, and credited him with assisting in preparing the Brussels attack:



VI. NOHEMI GONZALEZ

507. In the fall of 2015, Nohemi Gonzalez ("Nohemi") was a 23-year-old industrial design student at California State University Long Beach spending a semester abroad at the Strate School of Design in Paris, France.



508. Described by her friends and family as “bubbly,” “happy,” and “hard-working,” Nohemi was a first-generation Mexican-American born in California.

509. This was Nohemi’s first time living in Europe, and her friends said that she could hardly believe her good fortune to be in Paris to see sights like the Eiffel Tower and the Cathedral of Notre Dame, and to fulfil her dream of studying in the famous city.

510. On Friday evening, November 13, 2015, Nohemi and a group of friends were out for a night on the town and ended up at La Belle Équipe, a lively Paris bistro on Rue de Charonne.

511. Tragically, at about 9:36 p.m., as Nohemi and her friends were only a few minutes into their meal, three ISIS terrorists, Abaaoud, Brahim, and Akrouh, arrived in a black Seat Leon car, approached the La Belle Equipe café, and began spraying bullets at the people at the café.

512. Nohemi was among 19 people murdered by the ISIS terrorists at the LaBelle Equipe café, and is believed to have been the only American killed in the Paris Attack.

513. The F.B.I. told Nohemi’s family that it would be weeks before her body would be sent back to the United States because of the investigation.

514. Nohemi was a college senior, and would have been the first member of her family to graduate college.

515. The plaintiffs, Nohemi’s mother, step-father, and brothers were devastated by the loss of their only daughter and sister. They suffered, and will continue to suffer, severe psychological and emotional harm, as well as loss of solatium as a result of the terrorist attack that killed Nohemi Gonzalez.



VII. ALEXANDER PINCZOWSKI

516. Alexander Pinczowski (“Alex”) and his wife, plaintiff Anne Cameron Cain (“Cameron”), met in the summer of 2010 when they were both taking summer classes in Durham, North Carolina. The two fell in love with each other and were married in 2013.



517. In the spring of 2016, Alex and Cameron were living in New York. Alex and Cameron developed a business plan to open a craft-related business, and Alex travelled to Europe to work on their plan.

518. Alex’s sister, Sascha Pinczowski (“Sasha”), who had graduated in 2015 with a business degree from Marymount Manhattan College in New York, was living in Europe and planned to move back to New York.



519. On March 22, 2016, Alex was scheduled to fly back home to New York, and his sister Sascha decided to fly with him.

520. Alex and Sascha arrived at the Brussels airport in the early morning of March 22, 2016 and went to check in for their flight.

521. While Alex and Sascha were in the check-in area, one of the ISIS terrorists detonated his bomb, and Alex and Sascha were both killed.

522. At the time of the explosion, Alex was speaking with his father on his cell phone. Alex's father later said that while he was talking with his son, the phone sounded like it went underwater and then when dead.

523. After the explosion, the family did not hear from Alex and Sascha, and the brother and sister could not be found.

524. Family and friends in Europe searched for Alex and Sascha, checking all the nearby hospitals to no avail; Alex and Sascha's family was devastated by news of the terrorist explosions at the airport and not knowing the fate of their loved ones.

525. Alex's wife Cameron also knew that Alex and Sascha were at the airport at the time of the explosion, and she also was uncertain of their fate; she was panic-stricken, not being able to reach Alex or determine what had happened to him and his sister for days.

526. Cameron and her parents traveled from New York to Brussels on Wednesday, March 23, 2016 to join the search for Alex and Sascha. They frantically searched the hospitals of Brussels, spread photos around the city, and sent out pleas for assistance, while Cameron continued contacting people and posting notices to gain any information she could.

527. On Thursday night, March 24, 2016, authorities in Brussels released a list of survivors from the Brussels Attack, and Alex and Sascha's names were not on the list.

528. Finally, on Friday, March 25, 2016, authorities confirmed that Alex and Sascha's bodies had been identified and that they were killed in the attack.

529. At the time of the terror attack, Alex was aged 29 and Sascha was aged 26.

530. Alex had become very connected to Cameron's family, joining the family on vacations and family holidays. Cameron's father described Alex as a brilliant young man."

531. Cameron and Alex as a couple were described as "so much in love," "inseparable," and as having "a passion for life." Alex was a "family man" who "would do anything" for Cameron.

532. Cameron was devastated by the loss of her husband Alex and his sister Sascha. She suffered, and will continue to suffer, severe psychological and emotional harm, as well as loss of solatium as a result of the terrorist attack that killed Alex and his sister.



VIII. TWITTER'S CONDUCT

A. Twitter Knowingly Provided Material Support and Resources to ISIS

533. ISIS's reputation as an organization that has engaged in and continues to engage in terrorist acts is widespread and has been reported in the world news media.

534. ISIS's designation as a Foreign Terrorist Organization is public knowledge that has likewise been widely reported in the world news media.

535. At all times relevant to this Complaint, Twitter has known that ISIS is an organization that has engaged in and continues to engage in terrorist activity.

536. At all times relevant to this Complaint, Twitter knew that the U.S. Government had designated ISIS as a Foreign Terrorist Organization.

537. Despite this knowledge, Twitter has for years knowingly provided its Services to ISIS, its members, organizations owned or controlled by ISIS, and organizations and individuals that provide financing and material support to ISIS, including individuals and organizations that are designated as and SDGTs.

538. ISIS, its members, and its related entities and affiliates have operated numerous Twitter accounts, often using their own names and displaying emblems and symbols associated with ISIS and its related terrorist entities.

539. The identifiers for ISIS-associated Twitter accounts are often publicized on ISIS websites, social media sites, and via Twitter.

540. ISIS's news and media organizations operate Twitter accounts, often including separate accounts for Arabic and English.

541. In January 2011, Twitter co-founder Biz Stone and then-Twitter General Counsel Alex Macgillivray wrote a blog post titled "The Tweets Must Flow," in which they stated on

behalf of Twitter: “We don’t always agree with the things people choose to tweet, but we keep the information flowing irrespective of any view we may have about the content.”⁶⁴

542. In the same blog post, Stone and Macgillivray described Twitter’s approach to law enforcement investigations related to Twitter users as follows: “While we may need to release information as required by law, we try to notify Twitter users before handing over their information whenever we can so they have a fair chance to fight the request if they so choose.”⁶⁵

543. In December 2011, Israeli NGO Shurat HaDin-Israel Law Center wrote a letter to Twitter, warning that Twitter’s provision of services to designated Foreign Terrorist Organizations violates the ATA prohibition against providing material support to terrorists.

544. In January 2012, Twitter posted a new blog post titled, “Tweets Still Must Flow,” in which it announced that, as Twitter expands internationally, it would need to withhold some content to comply with local national laws, for example in France and Germany where pro-Nazi content is banned; nevertheless, Twitter stated that in such cases it would only “reactively withhold content from users in a specific country—while keeping it available in the rest of the world.”⁶⁶

545. Twitter stressed that it would not filter out any tweets before they appear, stating: “[W]e are going to be reactive only: that is, we will withhold specific content only when required to do so in response to what we believe to be a valid and applicable legal request.”⁶⁷

⁶⁴ Biz Stone and Alex Macgillivray, “The Tweets Must Flow,” *Twitter* (Jan. 28, 2011), <https://blog.twitter.com/2011/the-tweets-must-flow>.

⁶⁵ *Id.*

⁶⁶ “Tweets Still Must Flow,” *Twitter* (Jan. 26, 2012) (emphasis added), <https://blog.twitter.com/2012/tweets-still-must-flow>.

⁶⁷ *Id.* (emphasis added).

546. In a hearing of the House Committee on Foreign Affairs' Subcommittee on Terrorism, Nonproliferation, and Trade on August 2, 2012, Chairman Ted Poe complained:

“[W]hen it comes to a terrorist using Twitter, Twitter has not shut down or suspended a single account . . . Terrorist organizations using Twitter, to me, is a violation of U.S. law. Section 219 of the Immigration and Nationality Act states that is unlawful to provide a designated FTO with ‘material, support, or resources, including any property, tangible or intangible, or services.’ Among those, communications equipment and facilities. Terrorists are using Twitter. Twitter is a communication service. It seems like it is a violation of the law.”⁶⁸

547. In September 2012, several members of Congress wrote to then-FBI Director Robert Mueller asking the Bureau to demand that Twitter block the accounts of various terrorist groups.

548. On June 20, 2014, in a CNN report regarding ISIS's use of Twitter as a tool to gain support, raise funds, and recruit members, Twitter co-founder Biz Stone responded: “If you want to create a platform that allows for freedom of expression for hundreds of millions of people around the world, you really have to take the good with the bad.”⁶⁹

549. On August 20, 2014, following harsh criticism for permitting ISIS to use Twitter to distribute gruesome video and images of the beheading of James Foley, Twitter's then-CEO Dick Costolo tweeted: “We have been and are actively suspending accounts as we discover them related to this graphic imagery”; however, after ISIS next used Twitter to broadcast video and images of Steven Sotloff's beheading on September 2, 2014, Twitter spokesperson Nu Wexler

⁶⁸ August 2, 2012 Hearing before the Subcommittee on Terrorism, Nonproliferation, and Trade of the U.S. House of Representatives Committee on Foreign Affairs, “The State Department's Center for Strategic Counterterrorism Communications: Mission, Operations and Impact,” *U.S. Gov't Printing Office*, Serial No. 112-164, p.19 (Aug. 2, 2012), <http://archives.republicans.foreignaffairs.house.gov/112/75389.pdf>.

⁶⁹ CNN Transcripts, “Erin Burnett Outfront: ISIS Urges English Speakers to Join Cause,” *CNN* (June 20, 2014), <http://transcripts.cnn.com/TRANSCRIPTS/1406/20/ebo.01.html>.

told U.S. News & World Report: “Twitter users around the world send approximately 500 million tweets each day, and we do not monitor them proactively.”⁷⁰

550. Director of the SITE Intelligence Group, Rita Katz, who studies online *jihadi* activity, stated in September 2014: “For several years, ISIS followers have been hijacking Twitter to freely promote their jihad with very little to no interference at all . . . Twitter’s lack of action has resulted in a strong, and massive pro-ISIS presence on their social media platform, consisting of campaigns to mobilize, recruit and terrorize.”⁷¹

551. In November 2014, Mother Jones magazine reported on Twitter’s own ideological reasons for refusing to cease providing its Services to ISIS despite its terrorist designation. Based upon interviews and official statements released by Twitter, Mother Jones’ reported:

“Waging a (virtual) war against ISIS is not on Twitter’s agenda. According to one Twitter company official . . . the tech firm is not interested in defining terrorism or silencing political speech. ‘One man’s terrorist is another man’s freedom fighter,’ this Twitter official says, pointing out that Twitter has long been a home for political dissidents and unpopular and extreme views. ISIS, however radical and violent, isn’t an exception. Twitter, this official insists, takes terrorism and violence seriously, but does not compromise on its terms.

. . .

Overall, Twitter’s approach is hands-off. . . . Twitter has not come up with a comprehensive system for addressing terrorist messages and threats, partly because lists of terrorist groups can vary from one government to the next. (Just because a country declares an outfit a terrorist band, should Twitter ban it and its supporters? Maybe, maybe not. An authoritarian regime might designate an opposition group seeking democratic rule a terrorist threat.)

. . .

⁷⁰ Tom Risen, “Twitter, Facebook, YouTube Grapple With Islamic State Censorship,” *U.S. News & World Report* (Sept. 5, 2014), <http://www.usnews.com/news/articles/2014/09/05/twitter-facebook-youtube-navigate-islamic-state-censorship>.

⁷¹ Alex Altman, “Why Terrorists Love Twitter,” *Time* (Sept. 11, 2014), <http://time.com/3319278/isis-isil-twitter/>.

So despite the earlier media reports, Twitter is not mounting a crusade against ISIS. Members and supporters of the Islamic State are free to hit Twitter to preach, recruit, and spread the ideas underlying the group's terror. As long as it doesn't make direct threats, impersonate people, or pirate music [i.e., violate Twitter's own rules], ISIS can exploit Twitter . . .”⁷²

552. In February 2015, an official Twitter spokesman confirmed to Yahoo News that it does not proactively monitor content, and that it only reviews posts that other Twitter users report as violating Twitter's rules.⁷³

553. On February 24, 2015, Rep. Tim Poe gave a speech on the Floor of the U.S. House of Representatives, which included the following statements:

“Federal law prohibits giving aid or helping a designated foreign terrorist organization. These FTOs use Twitter, an American company, as a tool and no one is stopping them. . . . Why are American companies and the U.S. government allowing social media platforms to be hijacked by terrorists? . . . It's time for Twitter to take down terrorist accounts. . . . Terrorists should not have access to an American controlled social media platform so they can kill, rape, pillage and burn. . . . [A]llowing the terrorists to continue using Twitter has helped radicalize hundreds of foreign fighters and raised millions of dollars for them. . . . Private companies not only have a public responsibility but a legal obligation to be proactive. Section 219 of the Immigration and Nationality Act states that it is unlawful to provide a designated Foreign Terrorist Organization—like ISIS—with ‘material support or resources,’ including ‘any property, tangible or intangible, or services.’ That is about as comprehensive as you can get. You don't need to be a law school professor to understand this law actually applies to Twitter.”⁷⁴

⁷² Jenna McLaughlin, “Twitter Is Not At War With ISIS. Here's Why.” *Mother Jones* (Nov. 18, 2014), <http://www.motherjones.com/politics/2014/11/twitter-isis-war-ban-speech>.

⁷³ Alexandra Klausner, “Twitter under pressure from lawmakers to crack down on 46,000 ISIS sympathizer accounts,” *Daily Mail* (Feb. 18, 2015), <http://www.dailymail.co.uk/news/article-2959198/Twitter-pressure-Congress-against-terrorists-report-identifies-46-000-ISIS-sympathizer-accounts.html>.

⁷⁴ Rep. Ted Poe, “Floor Remarks: Twitter and Foreign Terrorist Organizations,” (Feb. 24, 2015), <http://poe.house.gov/2015/2/twitter-and-foreign-terrorist-organizations>.

554. On October 28, 2015, just over two weeks before the Paris Attack, the U.S. House Committee on Oversight and Government Reform's Subcommittee on National Security held a hearing on "Radicalism: Social Media and the Rise of Terrorism." The Hon. Mark D. Wallace ("Amb. Wallace"), CEO of the Counter Extremism Project and former U.S. Ambassador to the United Nations, testified at that hearing on ISIS's use of social media technology. Amb. Wallace's written statement in the record of that hearing included the following testimony:

"ISIS's presence on social media is a cancer. It continues to metastasize, largely unaddressed by government, the private sector, or social media companies. One of the most pressing public safety and national security issues we face today is without a doubt the hijacking and weaponization of social media platforms by extremist groups to radicalize, recruit new members, and plan violent attacks against innocent people around the world.

...

Since its creation, ISIS in particular has deployed an incredibly sophisticated social media campaign to radicalize and recruit new members and to call for acts of terror around the world. There are at least 43,000 active pro-ISIS Twitter accounts, sending approximately 200,000 tweets a day, amplifying and endlessly repeating ISIS's messages of hate and terror.

...

Unfortunately, the response we've gotten from Twitter is dismissive to the point of dereliction. . . . Twitter's dismissiveness on the issue of violent extremists who have hijacked and weaponized its platform can best be summarized in a quote provided to Mother Jones magazine by a Twitter official: 'One man's terrorist is another man's freedom fighter.' Of course this statement is insipid and unserious, particularly in the context of al Qaeda and ISIS and many other extremist groups."

555. Amb. Wallace also described Twitter as a "gateway drug" by which vulnerable individuals are first exposed to ISIS's propaganda and radical content, and the individuals are then led to more in-depth questions and conversations to radicalize and recruit these individuals for *jihad* and joining ISIS.

556. Through Twitter's services, Twitter makes potential ISIS recruits, ISIS members, and ISIS leaders, available to other ISIS operatives, thus providing personnel to ISIS itself.

557. Prior to the Paris and Brussels attacks, Twitter refused to actively monitor its online social media network to block ISIS's use of Twitter. Instead, Twitter knowingly permitted, and still permits, ISIS and ISIS's members and affiliates to use its online social media platform, and generally only reviews ISIS's use of Twitter in response to third party complaints.

558. Even when Twitter has received complaints about ISIS's use of the platform, despite knowing that ISIS is a designated FTO and that ISIS has engaged in terrorist activity, Twitter has at various times determined that ISIS's use of Twitter did not violate Twitter's policies and permitted the accounts to remain active, or removed only a portion of the content posted on an ISIS-related Twitter account and permitted the account to remain active.

559. While Twitter has suspended or blocked selected ISIS-related Twitter accounts at various times, prior to the Brussels Attack Twitter did not make substantial or sustained efforts to ensure that ISIS would not re-establish the account using a new identifier.

560. For example, in December 2015, The New York Times reported that ISIS's Asawitiri Media had used at least 335 Twitter accounts, the latest at that time being @TurMedia335.⁷⁵

561. The New York Times reported that, as soon as Twitter suspends one account of Asawitiri Media, the user creates another Twitter account with the same user photograph and simply increases the number portion of the account name; for example, when @TurMedia333 was suspended, the user opened @TurMedia334, and when the latter account was suspended, the user opened @TurMedia335.⁷⁶

⁷⁵ Nicole Perlroth and Mike Isaac, "Terrorists Mock Bids to End Use of Social Media," *The New York Times* (Dec. 7, 2015), <https://www.nytimes.com/2015/12/08/technology/terrorists-mock-bids-to-end-use-of-social-media.html>.

⁷⁶ *Id.*

562. As mentioned above, one iteration of this ISIS Twitter user (@TurMedia316) tweeted about the Paris Attack on the afternoon that it began.

563. Similarly, shortly after a terrorist attack in San Bernardino, California was carried out in December 2015, ISIS's Asawitiri Media used Twitter account "@TurMedia335" to tweet: "California, we have already arrived with our soldiers. Decide how to be your end, with knife or bomb."⁷⁷

564. The New York Times commented that the Asawitiri Media's "naming convention—adding one digit to a new account after the last one is suspended—does not seem as if it would require artificial intelligence to spot."⁷⁸

565. This simplistic naming scheme for replacement Twitter accounts makes it easy for followers of ISIS Twitter accounts to find and follow new replacement accounts whenever an ISIS account using this scheme is suspended.

566. This simplistic naming scheme would also make it easy for Twitter to identify and prohibit such recurring ISIS Twitter accounts; yet Twitter has permitted ISIS and other terrorists to repeatedly establish new accounts with only slight name variations, many of which remain active for extended periods of time.

567. ISIS also uses other methods of tracking and directing followers to new replacement Twitter accounts in the event an ISIS Twitter account is suspended, for example using "hashtags," automated programs called "bots," and special Twitter accounts that post new account identifiers and link Twitter accounts.

568. ISIS Twitter accounts can also be identified and by reviewing the list of Twitter accounts an ISIS user is "following" as well as the user's "followers"; thus, ISIS Twitter

⁷⁷ *Id.*

⁷⁸ *Id.*

accounts that are not used to “tweet” messages, can serve as “address books” of other active ISIS users and accounts.

569. The following series of screen-clips illustrates how quickly ISIS-related accounts are able to re-accumulate followers even after the Brussels Attack.

570. The following is a screen-shot from June 20, 2016, showing the Twitter account “@DriftOne00146” for a user identified (in Arabic) as “Abu Othman”; below the user picture there is a notation that this is the “146th Account” and that it was opened in May 2016, and the account shows that it has logged only 11 tweets but has 349 registered followers:



Figure 1: @DriftOne00146 on June 20, 2016

571. The following is a screen-clip from the same account on the very next day, June 21, 2016, showing that the account has only logged a total of 14 tweets, but now it has accumulated 547 registered followers:



Figure 2: @DriftOne00146 on June 21, 2016

572. As the following screen-clip from June 22, 2016 shows, the next day (almost immediately following the suspension of the @DriftOne00146 account) Abu Othman had established @DriftOne0147 as his “147th Account” using the same profile picture, and the new account had already accumulated 80 registered followers:

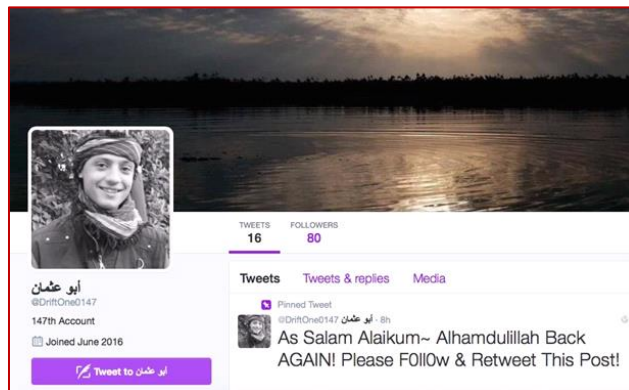


Figure 3: @DriftOne0147 on June 22, 2016

573. The following screen-clip from June 28, 2016 shows that by this time Abu Othman was using Twitter account @DriftOne150 to tweet “hashtags” about the Islamic State in Bangladesh with an abbreviated link to another media source:



Figure 4: @DriftOne150 on June 28, 2016

574. Three days later, on July 1, 2016, a group of ISIS terrorists carried out a terrorist attack at a restaurant in Dhaka, Bangladesh using bombs, firearms, and machetes, in which they seized hostages and ultimately murdered 22 civilians and two policemen and injured 50 others.⁷⁹

575. The following screen-clip from July 2, 2016 is a Twitter message from Abu Othman using Twitter account @DriftOne0151 to disseminate pictures of several of the ISIS terrorists who carried out the July 1, 2016 ISIS terror attack in Dhaka, Bangladesh (whom Abu Othman refers to as “Brothers”):



Figure 5: @DriftOne0151 on July 2, 2016

576. These examples demonstrate that, although there are often patterns and characteristics of ISIS and other terror-related replacement accounts that could be easily identified and blocked automatically without reference to content, Twitter has not even taken these relatively simple efforts to stop providing its services to ISIS.

577. Among other examples of patterns and characteristic that have been observed with regard to ISIS replacement accounts are: the unusually rapid generation of large numbers of Twitter “followers” immediately after opening the account; rapid regeneration of substantially

⁷⁹ Lizzie Dearden, “Bangladesh attack: Isis gunmen kill at least 22 people in hostage crisis at Dhaka restaurant,” *Independent* (Jul. 2, 2016), <http://www.independent.co.uk/news/world/asia/bangladesh-dhaka-attack-isis-islamic-state-gunmen-killed-death-toll-hostage-crisis-restaurant-cafe-a7115261.html>.

the same set of Twitter “followers” that followed the suspended account; and the use of “bots” and bulk requests rapidly and successfully soliciting repeat “followers.”

578. Twitter has even lifted suspensions of ISIS-affiliated Twitter accounts, thus permitting the account to become active again.

579. Immediately after the Paris Attack, the activist computer-hacking group “Anonymous” organized a campaign to identify ISIS-affiliated Twitter accounts and to report those accounts to Twitter to have them blocked. Anonymous claimed that it had successfully reported many thousands of ISIS Twitter accounts.

580. On February 5, 2016, Twitter wrote a blog post that seemed to imply that it had taken steps itself to identify and suspend ISIS Twitter accounts.

581. However, Anonymous countered that Twitter had only responded to third-party reports such as those from Anonymous, and that Twitter had not shut down many of the “core” ISIS accounts that had been reported to the company.

582. Despite the efforts of Anonymous and others who report ISIS accounts to Twitter, because Twitter allows many of the “core” ISIS accounts to remain, ISIS is able to maintain a Twitter presence consisting of thousands of active accounts, as well as quickly reestablish accounts with large numbers of Twitter followers.

583. In March 2016, prior to the Brussels Attack, Twitter was found to be shutting down the Twitter accounts of the Anonymous members who had reported ISIS Twitter accounts, “for harassing ISIS members” who use Twitter.⁸⁰

⁸⁰ Zoie O’Brien, “Twitter shuts down Anonymous accounts ‘for harassing’ ISIS jihadis,” *Express* (Mar. 6, 2016), <http://www.express.co.uk/news/uk/650254/Twitter-ANONYMOUS-ISIS-jihadis>.

B. Twitter's Social Media Platform and Communications Services are Unique

584. Twitter's online social media platform and communication services are provided to Twitter users via Twitter's unique computer architecture.

585. Whenever a Twitter user shares information on Twitter, Twitter's computer servers receive the information and distribute it to the Twitter user's network of Twitter "followers." The tweet also appears on the Twitter user's Twitter account page, and is available via Twitter's platform, hashtags, and search engines on the internet, depending upon the user's privacy settings.

586. Information that is input by a Twitter user into Twitter is also stored on Twitter's computer equipment as well as on Twitter's backup storage equipment.

587. Twitter users' Twitter accounts are hosted on Twitter's computer equipment.

588. Twitter enables users to connect and communicate with followers or with others via posts that can be in the form of a short message, a photo with a caption, sharing a web link or a news article from another website, or linking to other social media platforms.

589. Twitter users also "like" and "retweet" others' posts, thereby exposing these posts to new networks.

590. Twitter's "hashtag" feature enhances Twitter's services to ISIS by enabling ISIS to provide key words by which its members and followers can easily locate ISIS Twitter accounts and spread ISIS's contacts and communications exponentially.

591. Twitter uses computer algorithms to match accounts with similarities, so that similar Twitter accounts are suggested to a user or reader when viewing a Twitter account. In this way, users are able to locate other Twitter accounts related to ISIS even if they do not know the correct identifier or if the original Twitter account has been replaced by a new identifier.

592. Effectively, Twitter serves as a broker or match-maker between like-minded people, introducing users to other users that they will be interested in based on the information in their “tweets.” These types of suggestions appear on the side margin of the reader’s Twitter page.

593. By providing Twitter’s online social network platform and communication services to ISIS, Twitter is providing to ISIS use of Twitter’s unique computer architecture, computer servers, storage and communication equipment, a highly-developed and sophisticated algorithms, and services that facilitate ISIS’s ability to reach and engage an audience it could not otherwise reach as effectively.

594. As discussed above, Twitter’s usefulness to ISIS is not merely about content; ISIS uses Twitter is a tool to connect with others and promote its terrorist activity.

595. Twitter recognized this kind of value to its users in its 2016 Annual Report filed with the U.S. Securities and Exchange Commission, when it stated that it is “working toward giving our creators and influencers better tools to connect with their fans and audience through Twitter.”

C. Twitter Can Deny Services to ISIS, But Has Refused to Do So for Ideological and Business Reasons

596. The same algorithms that allow Twitter to connect users of similar interests could be used by Twitter to identify, flag, review, and remove ISIS Twitter accounts.

597. Twitter has other tools as well by which it can identify, flag, review, and remove ISIS Twitter accounts.

598. In December 2015, SITE Intelligence Group Director Rita Katz stated: “The bottom line is that Twitter is not doing enough . . . With the technology Twitter has, they can

immediately stop these accounts, but they have done nothing to stop the dissemination and recruitment of lone wolf terrorists.”⁸¹

599. Also in December 2015, Middle East Media Research Institute (“MEMRI”) Executive Director Steven Stalinsky stated: “At least 70 percent of the content the Islamic State is putting out is first coming on Twitter.”⁸²

600. Most technology experts agree that Twitter is not using available means to cease providing its Services to ISIS.

601. For example, Prof. Hany Farid, chairman of the computer science department at Dartmouth College, co-developed with Microsoft a system for tracking and blocking child pornography on the internet, and he asserts that the same technology could be used to block terrorists. In December 2015, Prof. Farid stated: “When Twitter says, ‘We can’t do this,’ I don’t believe that. . . . There’s no fundamental technology or engineering limitation . . . This is a business or policy decision. Unless the companies have decided that they just can’t be bothered.”⁸³

602. Indeed, Twitter made policy decisions and taken proactive actions that would actually protect ISIS and other terrorists in their use of Twitter’s Services.

603. For example, Twitter has had a policy and practice of notifying users in the event it suspects or determines that the user’s Twitter account is under government surveillance or if Twitter has received an investigative inquiry about a user’s Twitter account.

⁸¹ Nicole Perlroth and Mike Isaac, “Terrorists Mock Bids to End Use of Social Media,” *The New York Times* (Dec. 7, 2015), <http://www.nytimes.com/2015/12/08/technology/terrorists-mock-bids-to-end-use-of-social-media.html>.

⁸² Michael Sheetz, “The rise of tech-savvy global terrorism networks,” *CNBC* (Dec. 4, 2015), <http://www.cnn.com/2015/12/04/the-everyday-technology-helping-terrorists-plot-evil.html>.

⁸³ *Id.*

604. In fact, in an attempt to maintain its policy and practice of alerting criminal suspects, Twitter has sued the U.S. Department of Justice, challenging government orders that prohibit Twitter from disclosing details of investigative requests due to national security concerns.

605. Although Twitter's lawsuit against the government was ordered dismissed in May 2016 for failure to state a claim, Twitter revived the suit by filing Second Amended Complaint in the case which is currently pending.

606. Moreover, in May 2016 Twitter barred U.S. intelligence agencies from purchasing and using the Twitter analytics service "Dataminr" (of which Twitter owns about a 5% stake) to identify unfolding terrorist attacks and political unrest. Dataminr executives told U.S. intelligence agencies that Twitter did not want the company to continue providing the service to them⁸⁴

607. Dataminr is the only company Twitter authorizes both to access its entire real-time stream of public tweets and sell it to clients.

608. The Dataminr product goes beyond what a typical Twitter user could find in the jumble of daily tweets, employing sophisticated algorithms and geolocation tools to unearth relevant patterns.

609. Significantly, Dataminr gave the U.S. intelligence community an alert about the Paris Attack shortly after the attack began, and notified clients about the Brussels Attack 10 minutes ahead of news media as well.

⁸⁴ Christopher S. Stewart and Mark Maremont, "Twitter Bars Intelligence Agencies From Using Analytics Service," *The Wall Street Journal* (May 8, 2016), <http://www.wsj.com/articles/twitter-bars-intelligence-agencies-from-using-analytics-service-1462751682>.

610. In response to Twitter's ban of Dataminr sales to U.S. agencies, Michael Smith II, security consulting firm Kronos Advisory's chief operating officer, stated: "Twitter's decision could have grave consequences."

611. In August 2016, after a 12-month inquiry on countering extremism that included testimony from Twitter and other social media company executives, the U.K. House of Commons' Home Affairs Committee issued a report titled "Radicalisation: the counter-narrative and identifying the tipping point." ("U.K. Report").⁸⁵

612. In the U.K. Report, the Home Affairs Committee found that:

"The use of the internet to promote radicalisation and terrorism is one of the greatest threats that countries . . . face.

. . .

Social media companies are consciously failing to combat the use of their sites to promote terrorism and killings. Networks like Facebook, Twitter and YouTube are the vehicle of choice in spreading propaganda and they have become the recruiting platforms for terrorism. They must accept that the hundreds of millions in revenues generated from billions of people using their products needs to be accompanied by a greater sense of responsibility and ownership for the impact that extremist material on their sites is having. There must be a zero tolerance approach to online extremism, including enticement to join extremist groups or commit attacks of terror and any glorification of such activities. . . . It is therefore alarming . . . that Twitter does not even proactively report extremist content to law enforcement agencies. These companies are hiding behind their supranational legal status to pass the parcel of responsibility and refusing to act responsibly in case they damage their brands."⁸⁶

⁸⁵ Home Affairs Committee, "Radicalisation: the counter-narrative and identifying the tipping point," *House of Commons* (Aug. 25, 2016), <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/135/135.pdf>.

⁸⁶ *Id.* at 11, 13-14 (original in bold).

613. In fact, Twitter actually benefits from ISIS's use of its Services and has an incentive to refrain from shutting down ISIS accounts, particularly due to the tremendous volume of ISIS Twitter accounts and the volume of tweets ISIS generates.

614. Research has shown that ISIS Twitter users are overall much more active than the average Twitter users both in terms of the number of tweets and in the number of Twitter users who link to the subject accounts as "followers."⁸⁷

615. The primary measurements used by Twitter to demonstrate its usefulness and generate revenue from advertisers and partners are: the total number of active Twitter users; the number of daily tweets; and the growth rate of the number of users and tweets.

616. Thus, in its 2016 Annual Report filed with the U.S. Securities and Exchange Commission, Twitter's statement regarding the risks related to its business included the following:

"The size of our user base and our users' level of engagement are critical to our success. . . . Our financial performance has been and will continue to be significantly determined by our success in growing the number of users and increasing their overall level of engagement on our platform.

...

If we are unable to increase our user base, user growth rate, or user engagement, or if these metrics decline, our products and services could be less attractive to potential new users, as well as to advertisers and platform partners, which would have a material and adverse impact on our business, financial condition and operating results."

617. Upon information and belief, Twitter also generates revenue directly as a result of providing services to ISIS by placing advertisements from paying advertisers on ISIS accounts.

⁸⁷ Berger, "The Twitter Census," *supra* note 16.

618. For example, on May 17, 2016, Twitter placed an advertisement for a digital marketing company, OneNorth Interactive, on the Twitter account of “DJ Nasheed” (@djasheedis), an ISIS Twitter account used to post *jihadi* music videos produced by ISIS’s *al-Hayat Media*.

619. Twitter’s placement of advertisements on user accounts is not random or a matter of chance; rather, Twitter uses computer programming and algorithms to determine which advertisements will appear on particular Twitter accounts.

620. Twitter thus provides “targeted advertising” that “targets” advertisements toward users and audiences considered most likely to be interested in the subject or item being promoted by each advertisement, based upon data gathered by Twitter about its accounts, users, viewers, and advertisers.⁸⁸

621. Social media companies, including Twitter, tout “targeted marketing” as more effective and efficient than general marketing, based upon the implied or explicit understanding that these social media companies are able to gather and use significant particularized data about registered users and their preferences; this understanding is also used to justify premium fees for “targeted advertising.”

D. Alternatively, Twitter Creates New Content Using ISIS Account Data

622. Plaintiffs’ claims in this lawsuit are not based upon attributing the content created solely by ISIS or any other third-party to Twitter, or treating Twitter as a speaker or publisher of such content; accordingly, Plaintiffs maintain that Section 230 of the Communications Decency Act, 47 U.S.C. § 230, is inapplicable to Plaintiffs’ claims.

⁸⁸ Twitter’s “targeted advertising” is described on its website at: <https://business.twitter.com/en/targeting.html>.

623. In the alternative, Plaintiffs assert that Section 230 of the Communication Decency Act is inapplicable to Plaintiffs' claims in this lawsuit because Twitter creates new content by using its own creativity and criteria to produce unique combinations of advertising and user content based upon Twitter's algorithms and analyses of particularized data about registered users, viewers, advertisers, and other variables determined by Twitter.

624. Twitter not only exercises control over what advertisement to match with an ISIS account or posting, Twitter actively designs and determines what unique combination of information, visuals, sounds, and other features and characteristics from various sources will appear on the Twitter user's screen.

625. The resulting composite constitutes new content, for which Twitter may be considered factually and legally as the content provider.

626. The resulting composite conveys a new and unique message beyond the message created by the Twitter user's content or the advertiser's content alone.

627. For example, the messages created and conveyed by Twitter through this composite process could include, among other things: the message that a viewer of this Twitter account should be interested in the product advertised; the message that the advertiser supports or endorses the Twitter user's message; the message that the Twitter user supports or endorses the product advertised; the message that Twitter has approved the Twitter account; or the message or impression that the Twitter user has some measure of legitimacy that enables it to attract advertisers on its account.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

**LIABILITY FOR AIDING AND ABETTING
ACTS OF INTERNATIONAL TERRORISM
PURSUANT TO 18 U.S.C. § 2333(a) and (d)**

628. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

629. Since 2004, ISIS has been, and continues to be, a designated foreign terrorist organization under section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.

630. ISIS has committed, planned, or authorized activities that involved violence or acts dangerous to human life that are a violation of the criminal laws of the United States, or that would be a criminal violation if committed within the jurisdiction of the United States, including *inter alia* the prohibition on killing, attempting to kill, causing serious bodily injury, or attempting to cause serious bodily injury to U.S. citizens as set forth in 18 U.S.C. § 2332.

631. These activities committed, planned, or authorized by ISIS appear to have been, and were intended to: (a) intimidate or coerce the civilian population of France, Belgium, the United States and other countries; (b) influence the policy of the Governments of France, Belgium, the United States and other countries by intimidation or coercion; or (c) affect the conduct of the Governments of France, Belgium, the United States and other countries by mass destruction, assassination, or kidnapping.

632. These activities committed, planned, or authorized by ISIS occurred entirely or primarily outside of the territorial jurisdiction of the United States and constituted acts of international terrorism as defined in 18 U.S.C. § 2331(1).

633. Plaintiffs have been injured in their person by reason of the acts of international terrorism committed, planned, or authorized by ISIS.

634. At all times relevant to this action, Twitter knew that ISIS was a Foreign Terrorist Organization, that it had engaged in and continued to engage in illegal acts of terrorism, including international terrorism.

635. Twitter knowingly provided substantial assistance and encouragement to ISIS, and thus aided and abetted ISIS in committing, planning, or authorizing acts of international terrorism, including the acts of international terrorism that injured plaintiffs.

636. By aiding and abetting ISIS in committing, planning, or authorizing acts of international terrorism, including acts that caused each of the plaintiffs to be injured in his or her person and property, Twitter is liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that plaintiffs have sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

SECOND CLAIM FOR RELIEF

LIABILITY FOR CONSPIRING IN FURTHERANCE OF ACTS OF INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C. § 2333(a) and (d)

637. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

638. Twitter knowingly agreed, licensed, and permitted ISIS and its affiliates to register and use Twitter to promote and carry out ISIS's activities, including ISIS's illegal acts of international terrorism that injured plaintiffs.

639. Twitter was aware that U.S. federal law prohibited providing material support and resources to, or engaging in transactions with, designated foreign terrorist organizations and other specially designated terrorists.

640. Twitter thus conspired with ISIS in its illegal provision of Twitter to promote and carry out ISIS's illegal acts of international terrorism, including the acts that injured plaintiffs.

641. By conspiring with ISIS in furtherance of ISIS's committing, planning, or authorizing acts of international terrorism, including acts that caused each of the plaintiffs to be injured in his or her person and property, Twitter is liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that plaintiffs have sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

THIRD CLAIM FOR RELIEF

PROVISION OF MATERIAL SUPPORT TO TERRORISTS IN VIOLATION OF 18 U.S.C. § 2339A AND 18 U.S.C. § 2333

642. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

643. The online social media platform and communication services which Twitter knowingly provided to ISIS, including use of Twitter's services, computers and communications equipment, substantially assisted ISIS in carrying out its terrorist activities, including recruiting, radicalizing, and instructing terrorists, raising funds, creating fear and carrying out attacks, among other things.

644. These services and equipment constituted material support and resources pursuant to 18 U.S.C. § 2339A, and they facilitated acts of terrorism in violation of 18 U.S.C. § 2332 that

caused the deaths of Nohemi Gonzalez, Alexander Pinczowski and Sascha Pinczowski and injuries to plaintiffs.

645. Twitter provided these services and equipment to ISIS, knowing that they were to be used in preparation for, or in carrying out, criminal acts including the acts that injured the plaintiffs.

646. As set forth more fully above, but for the material support and resources provided by Twitter, the attack that injured the plaintiffs would have been substantially more difficult to implement.

647. By participating in the commission of violations of 18 U.S.C. § 2339A that have caused the plaintiffs to be injured in his or her person, business or property, Twitter is liable pursuant to 18 U.S.C. § 2333 for any and all damages that plaintiffs have sustained as a result of such injuries.

FOURTH CLAIM FOR RELIEF

PROVISION OF MATERIAL SUPPORT AND RESOURCES TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION IN VIOLATION OF 18 U.S.C. § 2339B(a)(1) AND 18 U.S.C. § 2333(a)

648. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

649. By knowingly (or with willful blindness) providing its social media platform and communications services, including use of computer and communications equipment, for the benefit of ISIS, Twitter has provided material support and resources to a designated Foreign Terrorist Organization under the Antiterrorism and Effective Death Penalty Act of 1996 in violation of 18 U.S.C. § 2339B(a)(1).

650. Twitter knew of (or was willfully blind to) ISIS's terrorist activities.

651. Twitter knew (or was willfully blind to the fact) that ISIS had been designated a Foreign Terrorist Organization by the United States Government.

652. Twitter's violation of 18 U.S.C. § 2339B proximately caused the damages to plaintiffs described herein.

653. By knowingly (or with willful blindness) providing material support to a designated Foreign Terrorist Organization, Twitter is therefore civilly liable for damages to plaintiffs for their injuries pursuant to 18 U.S.C. § 2333(a).

FIFTH CLAIM FOR RELIEF

WRONGFUL DEATH

654. Plaintiffs repeat and re-allege each of the foregoing allegations with the same force and effect as if more fully set forth herein.

655. Twitter provides services to ISIS that, among other things, substantially assist and contribute to ISIS's ability to carry out its terrorist activities.

656. As set forth more fully above, but for the assistance provided by the Twitter, the terrorist attack that killed Nohemi Gonzalez and Alexander Pinczowski and injured the plaintiffs would have been substantially more difficult to implement.

657. Twitter's conduct was unreasonable and outrageous and exceeds the bounds usually tolerated by decent society, and was done willfully, maliciously and deliberately, or with reckless indifference to the life of the victims of ISIS's terrorist activity, including Nohemi Gonzalez and Alexander Pinczowski.

658. The conduct of Twitter was a direct, foreseeable and proximate cause of the wrongful deaths of Nohemi Gonzalez, Alexander Pinczowski and the injuries of the plaintiffs, and therefore Twitter is liable to the plaintiffs for the wrongful deaths of Nohemi Gonzalez and Alexander Pinczowski and related damages.

659. Twitter's actions were undertaken willfully, wantonly, maliciously and in reckless disregard for plaintiff's rights, and as a direct, foreseeable and proximate result thereof plaintiffs suffered economic and emotional damage in a total amount to be proven at trial, therefore plaintiffs seek punitive damages in an amount sufficient to deter Twitter and others from similar future wrongful conduct.

SIXTH CLAIM FOR RELIEF

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

660. Plaintiffs repeat and re-allege each of the foregoing allegations with the same force and effect as if more fully set forth herein.

661. Twitter engaged in negligent behavior by providing services to ISIS.

662. Twitter's acts of providing services to ISIS constituted a willful violation of federal statutes, and thus amounted to a willful violation of a statutory standard.

663. As a direct, foreseeable and proximate result of the conduct of Twitter as alleged hereinabove, Plaintiffs have suffered severe emotional distress, and therefore Twitter is liable to the plaintiffs for the plaintiffs' severe emotional distress and related damages.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray that this Court:

- (a) Enter judgment against Twitter and in favor of each plaintiff for compensatory damages in amounts to be determined at trial;
- (b) Enter judgment against Twitter and in favor of each plaintiff for treble damages pursuant to 18 U.S.C. § 2333;
- (c) Enter judgment against Twitter and in favor of each plaintiff for any and all costs sustained in connection with the prosecution of this action, including attorneys' fees, pursuant to 18 U.S.C. § 2333;
- (d) Enter an Order declaring that Twitter has violated, and is continuing to violate, the Anti-Terrorism Act, 18 U.S.C. § 2331 et seq.; and
- (e) Grant such other and further relief as justice requires.

JURY DEMAND

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated: Brooklyn, New York
April 5, 2017

Respectfully submitted,

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